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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Consideration of reports submitted by States parties under article 35 of the Convention

Initial reports of States parties due in 2012

Bosnia and Herzegovina*, **

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** Appendices can be consulted in the files of the Secretariat.

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Abbreviations

CoE	Council of Europe
EU	European Union
PABH	Parliamentary Assembly of Bosnia and Herzegovina
HoRPFBH	House of Representatives of the Federation of Bosnia and Herzegovina
NARS	National Assembly of the Republika Srpska
CoMBH	Council of Ministers of Bosnia and Herzegovina
BH	Bosnia and Herzegovina
FBH	Federation of Bosnia and Herzegovina
RS	Republika Srpska
BDBH	Brcko District of Bosnia and Herzegovina
MJBH	Ministry of Justice of Bosnia and Herzegovina
MFABH	Ministry of Foreign Affairs of Bosnia and Herzegovina
MHRR	Ministry of Human Rights and Refugees of Bosnia and Herzegovina
MCABH	Ministry of Civil Affairs of Bosnia and Herzegovina
DEPBH	Directorate of Economic Planning of Bosnia and Herzegovina
PDBH	Policy on Disability in Bosnia and Herzegovina
SSIBH	Strategy of Social Inclusion in Bosnia and Herzegovina
CPDBH	Council of Persons with Disabilities of Bosnia and Herzegovina
PDIFFBH	Pension and Disability Insurance Fund of the Federation of Bosnia and Herzegovina
PDIFRS	Pension and Disability Insurance Fund of Republika Srpska
PREPDF	Professional Rehabilitation and Employment of Persons with Disabilities Fund
HIB	Health Insurance Bureau
WVD	War veterans with disabilities

Upon the Article 35, paragraph 1 of the Convention on the Rights of Persons with Disabilities (the Official Gazette of Bosnia and Herzegovina — International treaties, No. 11/09). The Council of Ministers of Bosnia and Herzegovina, at its session 35th held on the 17th of January_2013, adopted the following:

Report on Implementation of the Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina

I. Introduction

1. The Report on Implementation of the Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina (further in text: the BH Report), was composed in accordance with the Guidelines of the Committee on the Rights of Persons with Disabilities. The representatives of responsible authorities in Bosnia and Herzegovina, and representatives of nongovernmental organisations have participated in the preparation of the BH Report. In accordance with the procedure, the BH Report is passed by the Council of Ministers of Bosnia and Herzegovina (CoMBH), and it is then submitted to the responsible Committee through the Ministry of Foreign Affairs of Bosnia and Herzegovina (MFABH).

2. As stated within the core Bosnia and Herzegovina document (HRI/CORE/BIH/2011), Bosnia and Herzegovina is a State constituted of two entities, the Federation of Bosnia and Herzegovina (FBH) and Republika Srpska (RS), and the Brcko District of Bosnia and Herzegovina (BDBH). General information on the country's structure, and demographic, economic and political indicators, including data on the system of human rights protection, is included in the core document.

3. Bosnia and Herzegovina ratified the Convention on the Rights of Persons with Disabilities (CRPD) and Optional Protocol, on the 12th of March 2010 (without reservations or statements) (see the Official Gazette of Bosnia and Herzegovina — international treaties, No. 11/09). The Convention came into force for Bosnia and Herzegovina on the 11th of April 2010, on the thirtieth day after the instrument on ratification was deposited.

4. Observing the past period, it is important to mention that the first activities on promotion and protection of human rights of persons with disabilities were initiated at the proposal of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina (MHRRBH) in 2003. This took place at the time when the CoMBH had passed the Decision on Adoption of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (further in text: the UN Standard Rules).

5. Until the process for preparation of the document Policy on Disability in Bosnia and Herzegovina (PDBH) started, which was in 2006, the majority of activities were implemented through cooperation of nongovernmental organisations representing persons with disabilities, and other nongovernmental organisations. The process of preparation of the PDBH[1] was coordinated by the Ministry of Civil Affairs of Bosnia and Herzegovina (MCABH), together with the Directorate for Economic Planning of Bosnia and Herzegovina (DEPBH), and the entity governments. The entity governments were represented by the Ministry of Health and Social Policy of the RS, Ministry of Labour and

[1] This strategic document was passed by the Council of Ministers of Bosnia and Herzegovina on the 8th of May 2008, and it was published in the Official Gazette of Bosnia and Herzegovina No. 76/08.

Social Policy of the FBH, Ministry of Labour and War Veterans and Disability Protection of the RS, Social Welfare of the Brcko District and the representatives from the nongovernmental sector, i.e. persons with disabilities with specific knowledge in the preparation of strategic documents. The process of adoption of this document was technically supported by the Independent Bureau for Humanitarian Issues (IBHI). This project was fully financed by the Ministry of Foreign Affairs of the Finnish Government. The following goals for the PDBH were defined: reaching better quality of life potential, respect and dignity, independence, productivity and equal participation of persons with disabilities in the society, as well as the measures requiring all responsible levels of government to provide a more accessible environment.

6. In August 2009, at the proposal of the MCABH, the CoMBH adopted the Information on Activities of the Council of Europe (CoE) in the field of disability, including the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life for persons with disabilities in Europe 2006–2015, which provides guidelines for the action of European countries in all aspects of protection of rights of persons with disabilities. It has put an obligation on the MCABH to introduce the responsible State and entity bodies to this document, and to work continuously on promotion of the said.

7. The strategic documents were prepared after the adoption of the PDBH and Action Plan of the CoE in both entities. The strategic entity documents define obligations of the entity ministries in 22 areas defined by the UN Standard rules, and specific strategic measures related to housing.

8. With a view to the adoption of the Strategy for Equalisation of Opportunities for Persons with Disabilities in the Federation of Bosnia and Herzegovina 2011–2015 (further in text: the FBH Strategy), the Government of the Federation of Bosnia and Herzegovina, at its session held on the 5th of September 2011, adopted the conclusion as follows: "in the future, all laws of the FBH, which treat the issues of disability, and which are of significance for persons with disability, will be adopted in accordance with the principles of the CRPD, PDBH and this Strategy". Monitoring of the FBH Strategy is ensured through establishment of the Office for Disability Issues of the Government of the Federation of Bosnia and Herzegovina.

9. The Strategy for Improvement of Social Position of the Persons with Disabilities in the Republika Srpska 2010–2015 (further in text: the RS Strategy) was also adopted in 2010. In October 2011, the RS Strategy was presented to the Equal Opportunities Council at the National Assembly of the Republika Srpska. In accordance with the Strategy's goals (Goal 1.2), and with the purpose of ensuring coordination and implementation of the strategic documents, it recommended establishment of the Office for Persons with Disabilities. In October 2011, the Government of the RS adopted a conclusion, which binds the Ministry of Health and Social Protection of the RS, and the Ministry of Labour and War Veterans and Disability Protection of the RS, to prepare a project for establishment of this office.

10. With the aim to improve the mechanism for protection of human rights of persons with disability and the system of coordination between the responsible institutions at the level of Bosnia and Herzegovina, the CoMBH, at its session held on the 19th of October 2010, passed the decision to establish the Council of Persons with Disabilities BH (CPDBH). The CPDBH was established with 20 members, of whom 10 are the representatives of all levels of the government (BH, entities and BDBH), and the remaining 10 are representatives of the entity and BDBH level organisations of persons with disabilities.

11. The representatives of the organisations of persons with disabilities from the whole area of Bosnia and Herzegovina (FBH, RS and BDBH), are equally represented in the composition of the CPDBH. The representatives of the nongovernmental organisations, which are the members of the CPDBH, have the possibility to act in the interest of persons with disabilities they represent, in accordance with their interest and representativeness.

12. Within the BH Development Strategy, and in accordance with the pre-accession obligations towards the European Union, Bosnia and Herzegovina has defined the need to prepare a specific document; the Strategy of Social Inclusion in Bosnia and Herzegovina (SSIBH). This document was drafted in June 2010, and it contains a specific chapter on the improvement of the position of persons with disabilities, defining priorities and measures to be regulated at all levels of authority. The process of harmonisation of this Strategy at the level of BH is ongoing.

13. Since the Elections held in October 2010, Bosnia and Herzegovina has had the CPDBH in the technical mandate of 16 months, which has, objectively, had an impact on adoption of a small number of laws and other documents within the responsibility of the CoMBH, additionally leading to slowdown of the process of harmonisation of the laws with the Convention on the Rights of Persons with Disabilities.

14. In relation to the system of financing, i.e. ensuring the rights of persons with disabilities, this obligation is under the responsibility of the entity governments and the BDBH Government, while in the FBH, it is under the responsibility of 10 cantonal governments. Coordinative activities within the MCABH at the level of Bosnia and Herzegovina are financed through coordination of the fields of health and social protection, education, employment and labour, as well as the pension system. The MHRR is responsible for implementation of the international obligations – reporting towards the international instruments and activities related to promotion and education on human rights, including professional and administrative support to the CPDBH, which is ensured through cooperation with the MCABH, which coordinated the preparation of the PDBH.

15. Bosnia and Herzegovina is determined to implement the international obligations and it has so far been regularly completing the duty of reporting to the responsible United Nations bodies.

16. Since the day of ratification, when the Convention came into force, it has become an integral part of the legal order of Bosnia and Herzegovina, and as such has supremacy over the domestic legal sources, having in mind that its applicability is reflected through the BH laws, which must be harmonised with the standards defined by the Convention. At the level of Bosnia and Herzegovina, the process of monitoring of the law harmonisation with the international standards in the field of human rights is within the responsibility of the MHRR. Direct applicability of the Convention within the domestic legal order has been ensured, but, so far, there has been no data of any court rulings calling upon the Convention. The standards defined within the Convention are mostly used in cases of discrimination, when the citizens of Bosnia and Herzegovina claim breach of rights (standards) defined by the Convention, which facilitates the presentation of evidence, and specifically in such cases where the said situation is not clearly regulated by the BH laws.

17. As for the standards defined by the Convention, limitations related to financing, i.e. availability of resources for improvement of the rights of persons with disabilities, and specifically for implementation of positive discrimination measures, present the largest challenge before the BH authorities. The level of these rights, and specifically social and financial assistance, as well as support to other services, must be significantly improved in Bosnia and Herzegovina.

18. As for the statistical data on the number of persons with disabilities in Bosnia and Herzegovina, they are conditioned by the implementation of activities during the census to

be held in 2013, but also the need for joint definition of the methodology for their incorporation at the level of BH. The last census in BH was implemented in 1991. Still, based on the data from the Agency for Statistics of BH, from 2010, gathered from the social welfare centres, 60,950 persons with disability were registered, of which 52% were men. The register of the Pension and Disability Insurance Fund of RS (PDIFRS) shows 41,225 beneficiaries of disability pension, while the Pension and Disability Insurance Fund of the FBH (PDIFFBH) shows 82,099 beneficiaries in April 2012 (of which 49,224 WVD in the FBH). According to the data from the Study on Policy on Disability of Civilian Victims of the War in BH, there are close to 5,481 civilian victims of the war in BH, while WVD numbers to 83,282.

II. General provisions of the Convention

Articles 1–4

Definitions

19. There is no unique definition for a person with disability in Bosnia and Herzegovina. In defining the disability, different terminology is used in different fields (social, health protection, pension insurance, employment).

20. In accordance with the FBH[2] and RS[3] laws on pension and disability insurance: disability, in the sense of these laws, exists in such cases when the insured person becomes fully incapable of carrying out tasks required in the workplace which he/she held and carried out prior to the disability, due to permanent change in their health condition, caused by a work-related injury, professional illness, injury outside of work or illness that cannot be eliminated by treatment or measures of medical rehabilitation. Both laws accentuate the equality of insured persons, regardless of whether they have a disability or not. There is no specific system of pension and disability insurance on the area of the BDBH; citizens make their choices within the two existing entity funds.

21. Professional rehabilitation and employment of persons with disabilities is the responsibility of the entities. The Law on Professional Rehabilitation and Employment of Persons with Disabilities of the FBH regulates that persons with disabilities, in the sense of this law, are persons with physical, sensory, or mental impairment, causing permanent or temporary (of at least 12 months), reduced working ability and fulfilment of basic daily life needs.[4]

22. The Law on Professional Rehabilitation, Training and Employment of Disabled Persons of the RS regulates that a person with disability, in the sense of this law, is a person with permanent consequences of physical, sensory, mental or psychical impairment or illness that cannot be removed by treatment or medical rehabilitation, a person faced with social and other limitations impacting working ability, possibilities for employment or keeping employment, and who does not have the possibilities, or whose possibilities are reduced, to enter the labour market under equal conditions, and to compete for employment with other candidates.[5]

[2] The Official Gazette of the FBH, No. 29/98, 49/00, 32/01, 73/05, 59/06 and 4/09 – Article 22.
[3] The Official Gazette of the Republika Srpska, No. 134/11.
[4] The Official Gazette of the FBH, No. 9/10 – Article 3.
[5] The Official Gazette of the RS, No. 36/10 – Article 3.

23. Regulation of the rights of persons who participated in defence actions lies with the entity level. The Law on the Rights of War Veterans and Members of their Families of the FBH, defines the term "war veteran with disability" as a person whose organism's impairment of at least 20% was caused by receiving a wound, injury, illness or progression of an illness, in carrying out his/her military duties, other duties with the aim of defence within the armed forces, participating in the protection of Bosnia and Herzegovina, during the period of the war and under the conditions and circumstances given in the said Law. The Law on the Rights of War Veterans and Families of Killed Soldiers of the Homeland Protection War of the RS[6] also defines the terms "military disability and war veteran with disability", which shows that there has been no change in the traditional definitions for persons with disabilities.

24. In accordance with the Law on Urban Planning and Use of Land on the level of the FBH[7] and the Decree on Spatial Standards, Zoning Technical Conditions and Standards for Prevention of Architectural and Town-planning Obstacles for Persons with Reduced Physical Abilities,[8] the Law on Urban Planning and Construction of the RS[9] and the Rulebook on Conditions for Planning and Design of Structures for Free Movement of Children and Persons with Reduced Physical Abilities,[10] these are all those persons whose physical or mental physical abilities are reduced for any reason. They include: persons with any type of permanent or temporary physical impairment, partially sighted or blind persons, deaf persons and persons with and hearing impairments, physically feeble, persons older than 65, pregnant women, mothers with small children, small children, persons with intellectual impairments, convalescents in postoperative period, etc.

Communication

25. One of the areas of activities of the entity strategies; the FBH Strategy and RS Strategy is informing, communication and raising awareness with the aim to ensure availability of receiving and sending information in accordance with the specificity of the needs and the abilities of persons with disabilities. The activities in this field are directed towards the increase of independence in communicating and informing persons with disabilities, and sensitisation of the public for the specificity of communication with persons with disabilities.

26. Some of the examples which ensure the right to communication without discrimination in Bosnia and Herzegovina are given in the Law on Communications of BH, which defines that the regulatory principles of broadcasting include the following: protecting the freedom of expression and diversity in opinions respecting the generally accepted standards of behaviour, non-discrimination, justice, accuracy, and impartiality.[11]

27. The regulatory principles of telecommunications include the following: access to public telecommunication services, which the service provider can ensure with reasonable profit, for all users on a transparent, objective and non-discriminatory basis.[12]

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[6] The Official Gazette of the Republika Srpska, No. 134/11.
[7] The Official Gazette of the FBH, No. 2/06, 72/07, 32/08, 4/10, 13/10 and 45/10.
[8] The Official Gazette of the FBH, No. 48/09.
[9] The Official Gazette of the Republika Srpska, No. 55/10.
[10] The Official Gazette of the Republika Srpska, No. 1/12.
[11] The Official Gazette of Bosnia and Herzegovina No. 31/03, 75/06, 32/10 – Article 4, paragraph 1, point a).
[12] The Official Gazette of Bosnia and Herzegovina No. 31/03, 75/06, 32/10 – Article 4, paragraph 2, point a).

28. The Law on Postal Traffic of the FBH defines that the postal services must be accessible to all citizens of Bosnia and Herzegovina without any discrimination. Freedom of communication through letters and other postal shipments must be guaranteed to all legal and natural entities in BH, without any limitations. The interest of all users of postal services must be protected through availability and quality of the services.[13] Persons with disabilities have different forms of benefits in the telecommunication system, when subscribing to landline or mobile telephone, and similar services.

Language

29. At the 55th Session of the House of Representatives, held on the 10th of June 2009, and the 35th Session of the House of Peoples, held on the 15th of September 2009, the PABH passed the Law on Use of Sign Language in BH.[14] This law regulates the right of the unhearing persons to use of sign language in Bosnia and Herzegovina and the right of persons to information through techniques adjusted to their needs, as well as the volume and method to exercise the right to a sign language interpreter, with the purpose of their equal inclusion into the living and working environment, as well as in all forms of social life with equal rights and conditions, as well as equal opportunities available to persons with no hearing impairment.

Disability-based discrimination

30. The Constitution of Bosnia and Herzegovina guarantees the highest level of internationally recognised human rights. By its Constitution, Bosnia and Herzegovina was committed to ensure equal and full exercise of all human rights and freedoms for all citizens, as well as the right to protection from discrimination based on any grounds, including disability.

31. The rights and freedoms foreseen by the European Convention on Protection of Human Rights and Basic Freedoms, and its protocols, are directly implemented in Bosnia and Herzegovina and have precedence above all other laws.

32. The most important mechanism in protection from discrimination is the Law on Prohibition of Discrimination BH.[15] This law sets forth a framework for achievement of the same rights and opportunities to all persons in Bosnia and Herzegovina and it regulates the system for protection from discrimination. Any different treatment, including any type of exclusion, limitation or giving advantages based on real or assumed bases, to any person or a group of persons, based on their race, skin colour, language, religion, ethnical association, national or social origin, relation to a national minority, political or other belief, financial standing, membership with the union or different association, education, social standing and gender, sexual orientation, as well as any other circumstance with the purpose or consequence to prevent or imperil recognition, enjoyment or exercising rights and freedoms on an equal basis in all spheres of public life, is considered to be discrimination.

33. The Law on Prohibition of Discrimination defines the exceptions to the principle of equal treatment. Among other things, these exceptions are related to persons with disabilities in a way that the prescribed legal measures and actions will not be considered discrimination, if reduced to adverse differentiation or different treatment, if based on objective and reasonable justification, and if they achieve a legitimate goal and if there is a reasonable proportionality between the resources used and the goals attempted to be reached.

[13] The Official Gazette of the FBH, No. 76/09 – Article 4.
[14] The Official Gazette of Bosnia and Herzegovina No. 75/09.
[15] The Official Gazette of Bosnia and Herzegovina No. 59/09.

34. The Law on Prohibition of Discrimination is applied to procedures in all public bodies at the levels of State, entity, cantons and BDBH, municipal institutions and bodies, as well as legal entities with public authority, and to actions of all legal and natural entities in all spheres of life, including social protection, protection of families with children and protection of persons with disabilities.

35. This Law also regulates penalties for offences provided in the Law. Protective measures of seizure of objects and prevention in carrying out a certain professional activity, business activity or duty can be pronounced for the offences provided in the Law. The protective measure of seizure of objects is pronounced any time when the offence is committed by use of the said objects, i.e. when the objects were intended to realisation of the offence, or the objects were developed with the purpose to realise the offence.

36. The PDBH and the FBH and RS Strategies provide for an inclusive approach, as well as measures and activities for eliminating discrimination in all spheres of significance for persons with disabilities.

37. It should be emphasised that there is a continued effort to act on elimination of discrimination against persons with disabilities in the sphere of social protection, through provision of economic support and social integration, as well as promotion of rights, needs and opportunities for persons with disabilities. Namely, the Law on Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the FBH[16] provides penal provisions for all those who break the legal provisions in which the non-discriminatory rules are stated.

Reasonable accommodation

38. A positive example can be found in the RS Government's establishment of an Interdepartmental Body for the Assistance to and Protection of Persons with Disabilities, with the task to monitor the needs of persons with disabilities in the RS, and to analyse the activities related to protection and improvement of the social status of all categories of persons with disabilities in the RS. The appointment of new members to it is ongoing. An important activity of this body is related to alignment of legislative and implementation of the RS Strategy, which supposes reasonable accommodation in all spheres, in accordance with the Convention.

39. Besides the same commitment within the FBH Strategy, the Law on Urban Planning and Use of Land on the level of the Federation of Bosnia and Herzegovina should also be mentioned[17] as, based on which, the Decree on Spatial Standards, Zoning Technical Conditions and Standards for Prevention of Architectural and Town-planning Obstacles for persons with Reduced Physical Abilities was passed in the FBH in 2009.

40. In order to ensure for persons with disabilities to carry out their work assignments in equal position compared to other employees, the Law on Professional Rehabilitation and Employment of Persons with Disabilities of the FBH[18] and the Law on Professional Rehabilitation, Training and Employment of Disabled Persons of the RS[19] regulate the modes of providing the adjustment of workplaces and labour conditions. There is also an ordinance regulating provision of appropriate labour conditions for persons with disabilities in all public services and institutions in the area of the BDBH.

[16] The Official Gazette of the FBH, No. 36/99, 54/04, 39/06, 14/09.
[17] The Official Gazette of the FBH, No. 2/06, 72/07 and 32/08.
[18] The Official Gazette of the FBH, No. 09/10.
[19] The Official Gazette of the Republika Srpska, No. 54/09, 37/11.

Universal design

41. Promotion of the application of the principle of universal design is one of the measures within the entity strategies, including the provision of access to all public services and public transport, and ensuring a more accessible environment in accordance with the principles of universal design. The leaders of the implementation of the said measure are the responsible ministries in cooperation with civil society organisations and units of local and regional self-government. Accomplishment of this measure is mostly visible in larger urban centres, but this process still lacks comprehensiveness and there are activities to be undertaken to encompass all public services and other services with the aim to ensure the accessible environment.

Implementation of the general principles of the Convention

42. The constitutions of Bosnia and Herzegovina, entities and cantons, contain provisions promoting and regulating equality for all, and give precedence to international standards over the domestic law. In addition, the majority of BH laws contain non-discriminatory provisions in the fields of health, labour, employment and education, as well as other systems of protection, such as social protection in relation to persons with disabilities.

43. In addition to the activities of the CPDBH, which initiated the process of preparation of the analysis of harmonisation of the BH laws with the Convention and the Optional Protocol, the entities have initiated these activities during the preparation of the strategies. The RS Government has nominated the Interdepartmental Body for the Assistance to and Protection of Persons with Disabilities, which prepared a report passed by the RS Government on the 21st of September 2011. The RS Government also adopted a Conclusion with the aim to intensify the activities related to improvement of the social position of persons with disabilities, obligating all ministries to revise their action plans related to the RS Strategy, and to provide full support to the work of the Interdepartmental Body. The RS is currently carrying out the activities on evaluation of possibilities to establish a Centre for Issues of Persons with Disabilities as a republic administrative organisation. In its Conclusion No. 02/4.12-1967-1/11, dated the 31st of October 2011, the Board of Equal Opportunities of the NARS obliged the ministries to prepare action plans and clearly define budget lines on the annual level for implementation of activities, and to analyse the laws within their responsibility and propose necessary modifications of them in accordance with the RS Strategy, and to submit annual reports to the NARS on the implementation of the RS Strategy.

44. In its Conclusion of the 5th of September 2011, the HoRPFBH obliges the applicants of laws in the fields of disability and fields of significance for persons with disabilities, to align them with the principles of the Convention, PDBH and the FBH Strategy. The FBH Government has also obliged the responsible ministries to start working on finding solutions to overcome discrimination of persons with disability based on the cause of disability.

45. A general evaluation is that certain progress was made, but that there is still a difference between material protection of persons with disabilities gained during or outside of the war. Certain projects were initiated in this direction, e.g. in 5 cantons of the FBH.

46. There are also good examples where persons with disabilities are included as members of the commissions working on preparation of the strategic documents, national and local strategies, laws, executive bodies in State institutions (example of the Executive Board of the Social Welfare Centre Sarajevo, Professional Rehabilitation and Employment Fund of the RS, etc.).

47. At the level of BH the principle of transparency is fully adhered to, because persons with disabilities are fully included in all processes, and the representatives of the associations of persons with disabilities are included in some bodies, such is CPDBH, on an equal basis.

III. Special rights: Article 5 and Articles 8–30

Article 5 – Equality and non-discrimination

48. Equality, as one of the highest values of the constitutional order of Bosnia and Herzegovina, has been additionally secured by the passing of the Law on Prohibition of Discrimination, which, in one place, contains non-discriminatory provisions that were placed in different laws prior to its passing.

49. Discriminated persons can protect and exercise their rights through the court, in two different ways; in a procedure before a court, seeking the protection of any right violated by discriminatory treatment, or during a specific anti-discriminatory lawsuit initiated by submission of an anti-discriminatory claim. The law also standardises the institute of a joint claim as an instrument providing for different collective groups to implement their right to protection from discriminatory treatment through a court procedure. It can be initiated by associations, bodies, institutions or other organisations founded in accordance with the law, having a justified interest in protection of collective interests of a certain group.

50. Associations and all other registered nongovernmental organisations can initiate the claims in the interest of a group of citizens or participate in individual cases as co-plaintiffs with the discriminated group of persons or of an individual.

51. Within the current legislative, persons with disabilities are treated equally, but there is the instance where the laws, regulating realisation of their rights, are not harmonised and they differently define certain forms of protection (different in FBH, RS and BDBH). As stated in the Report of the Coordination Board of the Organizations of Persons with Disabilities of RS (CBDOPD), there are differences in rights, based on the status of certain categories of persons with disabilities. The Agency for Cooperation, Education and Development (ACED) and CBOPD, as well as the Human Rights Centre of the Sarajevo University have reported that the rights of persons with disabilities are violated mostly in the following sectors: social protection, health, education, rights to availability of information, labour and employment, as well as organised activities of persons with disabilities.

52. The fact is that persons with disabilities whose disability is not a consequence of the war are in significantly different position in comparison with the civilian victims or war and war veterans with disabilities, which was also stated in the Report of the Human Rights Ombudsman in BH for 2011.[20]

53. The Critical Report of the BH Ombudsman is based on the indicators according to which the existing laws differently regulate the rights of war veterans with disabilities, civilian victims of war and persons with disabilities not related to the war. The procedures and conditions to gain a status of a person with disability are also different, and the same goes for the budgetary funds intended for the rights based on disability, where the amount of the disability allowances and allocation for war veterans with disability is significantly

[20] The report on discrimination instances in BH for 2011. Human Rights Ombudsmen in BH.

higher in comparison to the civilian victims. There are problems related to exercising of rights in the situations where persons with disabilities change their residence, because the rights are regulated based on different laws. Thus, the right is often non-transferable to the territory of another entity, i.e. for the institute of the right to follow the person regardless of the place of their residence.[21]

54. Persons with disabilities can initiate the protection of their rights against discrimination through the Human Rights Ombudsman in BH, and the Ombudsman for Children in RS.

55. The Ombudsman for Children in RS also states in its Report for 2011 that 7.6% or 34 claims, out of 451 submitted, were related to issues of children with disabilities.[22] The said report evaluated that there is a progress in the field of protecting the rights of children with disabilities.

56. Persons with disabilities can use free legal assistance in accordance with the Law on Free Legal Assistance. The use of this right is specifically provided for persons within the category of socially threatened group.

Article 8 – Awareness-raising

57. On the occasion of marking the International Day of People with Disability, the 3rd of December, different forms of promotional activities are taking place all over Bosnia and Herzegovina. These activities are regularly covered by the media. The funds for the implementation are mostly allocated at the levels of local and entity authorities, which give grants for the support to the associations of persons with disabilities. A two-year project, Strengthening Capacities of Organizations of Persons with Disabilities by the European Union through the European Instrument for Democracy and Human Rights (EIDHR programme), is currently implemented by the Agency for Cooperation, Education and Development — ACED, in partnership with the Coordination Board of the Organizations of Persons with Disabilities (CBOPD). In the FBH, the Association of Landmine Survivors Initiatives from Tuzla and BOSPO are implementing a project supporting the work of the CPDBH.

58. During 2010 and 2011, the Federal Ministry of Labour and Social Policy implemented media campaigns promoting the rights and opportunities of persons with disabilities, through the presentation of the FBH Strategy document. Additionally, in cooperation and coordination with the organisations for providing for persons with disabilities, the Federal Ministry of Labour and Social Policy implemented campaigns specifically related to the occasions of significant dates, such as the 3rd of December, the International Day of People with Disability, the 21st of March, World Down Syndrome Day, etc., and persons with disabilities were involved in the activities implemented by the Ministry.

59. Nongovernmental organisations made accessible versions of the Convention, in Braille and "easy to read" for persons with intellectual impairment.

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[21] Article 33 of the Law on Modifications and Amendments of the Law on Basis of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children (the Official Gazette of the FBH. No. 39/06), says: "The civilian victims of the war and members of the families of civilian victims of the war with temporary residence on the territory of the Federation of BH, after returning to their previous residences in the Republika Srpska or Brcko District BH, will be ensured to receive the rights they had in the places of temporary residence."

[22] The 2011 Report of the Ombudsman for Children in RS, No. 336-I/12, page 21.

60. Raising awareness significantly assist in inclusion of the issues of disability in programmes in electronic media. Thus, the Public Television Broadcaster of RS has a 45-minute programme on broadcast every day, titled "In Focus". The public broadcasters of BH and FBH also have similar programmes intended for persons with disabilities.

61. Raising awareness of the public and persons with disabilities is one of the measures contained within the strategies of both entities and the following period will see implementation of activities which have, in the past, been mostly implemented by nongovernmental organisations dealing with the rights of persons with disabilities, with now a growing participation of the governmental institutions. It should be emphasised that the nongovernmental organisations have implemented more activities, and we wish to give an example of a film festival with the lead theme on promotion of rights and opportunities of persons with disabilities in Banja Luka (showing films made at the Association of Blind Persons RS, Humanitarian Organisation Partner). When it comes to promotion of rights and opportunities for persons with disabilities, a public event was organised by the SUMERO organisation in Sarajevo, titled "Spend 24 hours at an institution". Publishing in the field of strengthening the awareness of persons with disabilities is active and produces several magazines in BH: "Svijet tisane" (The World of Silence), "Inicijativa" (initiative), "Partner novosti" (Partner News), and other outlets, regularly distributed to the members.

Article 9 – Accessibility

62. Free access and movement for persons with disabilities, i.e. public transport, present one of the basic conditions for rising of equal opportunities. There are individual positive examples in Bosnia and Herzegovina, but it is still evident that the majority of the existing transport means in the towns is inaccessible, as well as is the case with railway transport means, and it can be said that airport transport has reached the appropriate level of accessibility for persons with disabilities.

63. The Instructions for Safety and Interoperability of Railroad System were established at the level of Bosnia and Herzegovina[23] defining that the stations and stopping points must have access paths to the passenger trains, providing the easiest possible access for passengers and persons with restricted movement abilities. The funds for this activity should be provided for the railroad of FBH and RS. Additionally, based on the Law on Basics of Transport Safety on the Roads in Bosnia and Herzegovina, a Rulebook on the Mode of Marking the Vehicles Operated by Persons with Extremity Impairment [24] regulating the method of obtaining the sign marking the vehicle operated by a person with extremity impairment. The Law on Public Transportation in the FBH[25] regulates the method of organisation and number of public transport vehicles to be equipped with devices for easier entrance and exit for persons with disabilities. Similar provisions are contained in the laws of RS and BDBH.

64. Considering the fact that the town zoning is also within the responsibilities of entities and the BDBH, the said is regulated by the laws of entities and the BDBH. On the territory of the FBH, the Law on Urban Planning and Use of Land on the Level of the Federation of Bosnia and Herzegovina[26] (Article 8, point 1, and Article 112, point 4) provided for the passing of the Decree on Spatial Standards, Zoning Technical Conditions and Standards for Prevention of Architectural and Town-planning Obstacles for Persons

[23] The Official Gazette of BH, No. 11/12.
[24] The Official Gazette of BH, No. 13/12, dated the 27th of February 2007.
[25] The Official Gazette of the FBH, No. 28/06 and 2/10.
[26] The Official Gazette of the FBH, No. 2/06, 72/07 and 32/08.

with Reduced Physical Abilities in 2009, with the aim to eliminate obstacles for persons with disabilities on already constructed structures and public surfaces, and to introduce the standard for all new structures to comply with the defined standards. In the same way, accessibility is defined by the RS Rulebook on Conditions for Planning and Design of Structures for Free Movement of Children and Persons with Reduced Physical Abilities.[27] Additionally, it is a fact that these barriers are still present on many constructed structures, and that there are activities to be carried out in the following period to eliminate the remaining obstacles on all public structures and surfaces.

65. In relation to the access to sport structures, standards were introduced for all newly constructed structures or those being reconstructed, to be accessible for persons of all ages, regardless of their physical or health condition. It needs to be mentioned that the 2008–2012 Strategy for Development of Sports in the Republika Srpska, also states and emphasises this standard foreseeing for the athletes with disabilities to be provided with free access to sport fields and all accompanying facilities, as well as to provide for these persons to attend sports events as spectators, or as protagonists of sports competitions. The same approach is taken in the area of the FBH and BDBH. It needs to be mentioned that sport activities for persons with disabilities are rather widespread in Bosnia and Herzegovina, and that the national teams of Bosnia and Herzegovina reach significant sport results on international and world championships in Paralympics Volleyball.

Article 10 – Right to life

66. The right to life is guaranteed by the Constitution of BH, and it has been additionally reinforced by signing of a number of international documents, which present a part of the legal order of BH. Among them, as already mentioned, is the European Convention on the Protection of Basic Human Rights and Freedoms. The legislation recognises and protects the right to life and existence of persons with disability on equal basis as all others. Persons with disabilities are protected from discriminatory application of euthanasia and assisted suicide. The Criminal Laws of the RS, FBH and BDBH incriminates the crime "Leading to suicide and assisted suicide"[28] and "Participation in suicide"[29] in FBH. Article 17 of the Law on Rights, Obligations and Responsibilities of Patients[30] defines that the patient has the right to decide on everything related to his life and health, except in the cases when the decision directly endangers the life and health of others.

67. In accordance with the Law on Conditions and Procedures for Termination of Pregnancy, the termination of pregnancy can be carried out until the 10th gestational week of pregnancy. In exceptional cases, the termination of pregnancy can also be carried out after the 10th gestational week of pregnancy.[31] Statistical data related to pregnancies terminated in the cases where, based on indications, it was expected that a child could be born with inborn heavy physical or mental disorder, is not maintained.

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[27] The Official Gazette of the RS, No. 2/03.

[28] Criminal Law of the RS, Article 153, Criminal Law of the FBH, Article 170.

[29] Criminal Law of BH, Article 167.

[30] The Official Gazette of the FBH, No. 40/10.

[31] The Official Gazette of Republika Srpska – Article 11.
a) when it is established, based on the medical indications, that the life cannot be saved in any other way, or eliminate heavy disruption of a woman's health,
b) when, based on the scientific medical findings, it can be expected that the child would be born with heavy physical or mental disorders,
c) when the conception is a result of a criminal act, and
d) when it is established that there are psychosocial indications for termination of pregnancy.

68. Measures of forced sterilisation are defined by the Law on Rights, Obligations and Responsibilities of Patients in FBH,[32] which defines the right of the patient to make own decision and give consent: Article 17 says: "The patient has the right to freely decide on everything related to his/her life and health, except in those cases when such decision directly endangers life and health of others. The right given in the paragraph 1 of this article does not include euthanasia. Without the patient's content, by a rule, no medical intervention can be carried out on a patient. A medical measure, contrary to the will of the patient, or parents, guardians, or legal representative for legally incapacitated patient, can be carried out only in specific cases defined by the law, which are in compliance with the medical ethics.

69. A medical measure against the will of the patient, or parents, guardians or legal representative of a legally incapacitated patient can also be carried out during physical examination or other actions required for a criminal procedure, i.e. required psychiatric expert evaluation in case of doubt of a suspect being a person with dismissed or diminished capacity, in accordance with the regulations on criminal procedure of the Federation of Bosnia and Herzegovina."

Article 11 – Situations of risk and humanitarian emergencies

70. According to Article 64 of the Law on Protection and Rescuing of Persons and Tangible Goods in Natural and Other Disasters,[33] depending on the level of endangerment of a certain area, the evacuation can be full or partial, and depending on the time of implementation, it can be timely or afterwards. Full evacuation involves the evacuation of the total population from the area that is under threat or affected by natural or other disaster, or in the event of risk from falling down or overflowing of high dams on accumulations. Partial evacuation involves evacuation of only certain population categories, such as heavily wounded and ill; persons with over 60% of disability; elderly and feeble persons; pregnant women; mothers with children younger than seven years of age, or with two and more children younger than 10 years of age; children and students of primary schools and other persons for whom it is established that they have no means for living, nor efficient protection in the endangered area.

71. The Law on Humanitarian Activities and Humanitarian Organisations defines humanitarian organisations, humanitarian assistance and conditions for its provision.

72. Through their regular activities, the Red Cross of BH, Caritas and Merhamet take specific care to protect persons with disabilities. The principles of individual approach are implemented in the process of humanitarian assistance distribution to persons with disabilities. The aid is delivered to their homes, places of residence, or temporary residence. Such approach is implemented in the risk situations, too.

Article 12 – Equal recognition before the law

73. In accordance with the BH Constitution and other laws, all persons are equal before the law in Bosnia and Herzegovina. Thus, as for the equality of persons with disabilities before the law, all persons, whether they have disability or not, are equal before the law, taking into account that persons with mental or psychical impairments preventing their reasoning, have partial or full limitation of legal incapacitation in exercise of their rights. In

[32] The Official Gazette of the Federation of BH, No. 40/10.

[33] The Official Gazette of the Federation of BH, No. 39/03, 22/06 and 43/10.

such cases, we talk of deprivation from legal capacities, nomination of a guardian and placement under strengthened or full custody of professional institutions.

74. Legal capacity is gained with full 18 years of age, or by entering into marriage prior to the full age. The family laws of the entities and the BDBH regulate the custody over persons deprived of legal capacity. A person who has lost legal capacity in full or partially, by a legally binding decision of a court, will be placed under custody by a guardianship body. The custody over persons who are legally incapacitated, or persons with limited legal capacity, ends by a court decision, made in extrajudicial procedure, returning the legal capacity to them. The decision on placement of a person under guardianship is made based on the opinion of a medical expert, and the guardianship body is involved throughout the process. As a special measure, guardianship can be granted with limited duration and for specific situations.

75. The entity strategies for improvement of the situation of persons with disabilities, as well as appropriate acts of the BDBH, foresaw the reform of the family legislative and laws defining the issues of social protection.

76. The family laws of the entities and the BDBH, ensure for persons with limited legal capacity, or those legally incapacitated, to have a legal guardian who is obligated to care for the needs of these persons, as well as the possibility to extend parental rights for a child up to 26 years of age. The decision on taking away or limiting legal capacity is made by the court without delay and the decision is then submitted to the authorised guardianship body. The legal guardian is obliged to take on the custody, to protect the interests of the protégé, manages their property, and respects their opinions and positions, if the persons under custody can understand the issue. The rights of the legal guardian are limited in the situation when the custody goes over the limits of regular management of the protégé's property. The legal guardian has a duty to inform the guardianship body on the situation related to the protégé's property every year and in all situations when requested to do so by the guardianship body. The legal custody ceases by the decision of the court in extrajudicial procedure, too.

77. A person with mental impairment has the right to equal conditions of medical treatment, the same as any other person receiving health protection. Freedoms and rights of persons with mental impairments can be limited only by the law, if that is necessary for the protection of the health or safety of said or other persons.

78. The laws regulating protection of persons with mental impairments which were passed in the FBH, RS and BDBH[34] define that persons with mental impairments for whom there is reasonable doubt that they can indirectly harm their own life or health, or lives and health of other persons, can be forcefully brought by authorised, official staff of the responsible ministry of interior to a health institution responsible for their residence or temporary residence, i.e. according to the location where the person was found.

79. According to the valid legislation in the FBH, RS and BDBH, there is the institute of taking away legal capacity and limitation of legal capacity, and the procedure is implemented before an authorised court, based on the Law on Extrajudicial Procedure, in cases involving persons with limited psychical or mental abilities, and mental illnesses. Legal capacity can be taken away in full, in cases of heavy mental disorders, or in part, in

[34] The Official Gazette of the Federation of BH, No. 37/01, 40/02, The Law on Protection of Persons with Mental Impairment, The Official Gazette of the BDBH, No. 12/06 – Article 19, the Law on Protection of Persons with Mental Impairments – Article 24 (the Official Gazette of the RS, No. 46/04).

cases of milder forms of illness. In the later cases, the duration of incapacitation can be for a defined period of time.

80. The Law on Extrajudicial Procedure[35] provides the possibility to keep mentally ill patients on medical treatment even without their consent. In such instances, the court must be informed within a period of 24 hours, and the procedure must be carried out before the court, which will decide on the period of keeping the mentally ill person in a hospital.

Article 13 – Access to justice

81. Persons with disabilities, as well as other citizens of BH, have access to courts, managing and executive bodies, under the condition that they are legally capacitated.

82. Persons with disabilities can accomplish protection through regular institutes in all process laws, acted upon by the courts in BH. The procedures before courts foresee participation of interpreters, experts and other participants in civilian and criminal procedure. The laws in criminal procedure define that the judiciary institutions must provide a sign language interpreter or different form of language support during the procedure.

83. Three different institutions in Bosnia and Herzegovina provide assistance to all citizens, including persons with disabilities, with the aim to improve access to justice: duty days in courts, support by the Human Rights Ombudsman in BH, the Ombudsman for Children in the RS, network of governmental and nongovernmental organisations providing free legal assistance. The Law on Free Legal Assistance has not been passed on the level of BH, and it is in the form of a draft. Such law was passed in the BDBH,[36] RS and some FBH cantons.[37]

84. Free legal assistance is provided by the network of organisations, the Centre for Provision of Free Legal Assistance of RS, Office of Legal Assistance of BDBH, cantonal bureaus for provision of legal assistance in Zenica, Tuzla, Odzak, Siroki Brijeg, Centre for Information and Legal Assistance Zvornik, Human Rights Centre Mostar, Centre for Legal Assistance for Women, Zenica, Foundation of Local Democracy and Association of Citizens Your Rights. A project aiming to provide legal assistance to persons with disability, implemented by the OSI in Banja Luka, and funded by the UNDP is being implemented in the period 2011–2012.

Article 14 – Liberty and security of the person

85. The right to personal freedom and safety is guaranteed by the Constitution of Bosnia and Herzegovina and it is indicated in Article 2, point 3, d). "Limitation of personal freedom and safety can occur only in the event of implementation of the appropriate legal procedure, in the event of a criminal act, in accordance with the valid criminal laws in BH, based on which a person can be sentenced to imprisonment or detention." The laws in Bosnia and Herzegovina prohibit illegal deprivation of freedom, and persons deprived of freedom are treated in the same way.

86. Limitation of freedom of movement exists only in the event when a person is sent for medical treatment and only in those instances where such action is necessary to protect

[35] The Official Gazette of BH, No. 2/98, 39/04.
[36] The Law on the Legal Assistance Office (The Official Gazette of the BDBH, No. 19/07).
[37] The Law on Free Legal Assistance in RS (The Official Gazette of the RS, No. 120/08).

the health of the patient, and safety of other persons. This issue is defined by the laws on protection of persons with mental impairments of the entities and BDBH.

87. There are no legal provisions on accommodation of persons with disabilities, but practice shows adjustment in each individual case, in accordance with the needs. The rights of prisoners are monitored by a specific commission nominated by the Ministry of Human Rights and Refugees BH. Within the report made by this commission, there is a noted lack of adequate institutions for accommodation and/or care for persons with disabilities. This report also notes the problem of lack of specialised institutions of closed type, for permanent accommodation of mentally impeded persons who committed heavy crimes. Decree-level regulation, i.e. the Rulebook on the House Rules in the Institutions where persons are serving penalties, detention measures or other measures decided by the Ministry of Justice,[38] Article 20, paragraphs 1 and 2: "The prisoners in custody or convicts with physical or mental impediments, are accommodated into special rooms (so called aid stations), where they are under permanent control of medical personnel of the institution. The institution's doctor will decide on their accommodation into the aid station."

Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment

88. The Law on Rights, Obligations and Responsibilities of Patients[39] of FBH commands for an explicit consent of the informed patient for any medical and scientific research on the patient, clinical research of medicaments or medical means involving the patient, and his/her involvement in medical training. The consent is given in writing, in a letter understood by the patient, after the patient agrees that he/she has been informed in detail, correctly and timely on the purpose, goal, procedures, expected results, eventual risks, as well as unwanted consequences of medical and scientific research on the patient, clinical research of medicaments or medical means involving the patient, and his/her involvement in medical training. For a minor patient, or a legally incapacitated patient, the consent is given by his/her parent, legal guardian or custodian, where the opinion of the minor patient or legally incapacitated patient must also be considered. The patient, or his/her parent, legal guardian or custodian, must be specifically warned that he/she is free to refuse his/her participation in the research or medical training, and that his/her consent can be withdrawn at any time.

89. The rights of patients with mental impairments who are involved in the research are applied in accordance with the regulations related to protection of persons with mental impairments. The CoMBH has established the Commission for Monitoring of all prisons and all detention units for persons deprived of freedom and the Commission for Monitoring of residential institutions into which persons are accommodated for better supervision, or with the purpose of looking after or provision of any other type of assistance. These commissions carry out visits to these institutions every year and they prepare reports on the situation in the said institutions, as well as the recommendations to eliminate noted irregularities specifically related to prevention of any type of cruel, inhumane or humiliating treatment or punishment. Additionally, bodies for supervision of prisons and detention units were established within the MJBH. The establishment of the National Mechanism for Prevention of Torture and other Inhumane or Humiliating Treatment or Punishment of Bosnia and Herzegovina is ongoing and it will be organisationally structured within the BH Office of the Ombudsmen.

[38] The Official Gazette of BH, No. 55/09.

[39] The Official Gazette of the Federation of BH, No. 40/10.

90. The laws on implementation of criminal penalties in BH define that the treatment of convicted persons must be humane with the respect of their human dignity, preservation of their physical and mental health, taking into account to preserve order and discipline. It is forbidden to implement any torture or other types of harsh, inhumane or humiliating treatment of convicted persons by official staff of the institutions. In treatment of the convicted persons, there must be no discrimination based on race, skin colour, gender, language, religion or belief, political or other beliefs, national and social order, ties of blood, economic or any other status. The Criminal Law in Bosnia and Herzegovina defines the crime of negligence in provision of medical assistance. In the institutions where sentences are served and detention or other measures exercised, in accordance with the Rulebook on House Rules, passed by the Ministry of Justice of BH,[40] Article 20, paragraphs 1 and 2: "The prisoners in custody or convicted persons of compromised physical and mental health, are accommodated in a specific room (so called "aid station"), where they will be under continues monitoring by the medical staff of the institution. The prison doctor will make the decision on accommodation into the aid station".

Article 16 – Freedom from exploitation, violence and abuse

91. Bosnia and Herzegovina has a good legal framework preventing exploitation, violence and abuse, especially through the BH criminal laws. Besides the criminal laws, the 2009–2011 BH Strategy for Prevention and Combat against Domestic Violence was brought.[41] Two entity strategies were also brought.[42] Within the measures for implementation of the strategic documents, it is important to emphasise that SOS telephones were established, trainings of professional staff in the field of health and education were implemented, in addition to the training of police officers in provision of assistance to the victims of violence and recognising different forms of violence on both local and higher levels. A number of different activities were committed to with the aim to sensitize the public on the problem of violence, both in the family and in the workplace. This led to having raised awareness on the problem of domestic violence, as well as to a larger number of reported cases. An exceptional contribution in implementation of this plan was made by nongovernmental organisations working in the field of protection for victims of violence, and also by targeted actions implemented by the associations of persons with disabilities.

92. A basis for creation of bylaws with the aim to improve the implementation of protective measures and to reach the application of standards contained in the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, adopted by Bosnia and Herzegovina, was created through modification of a large number of laws and passing of those specific for protection from domestic violence. These activities resulted with initiation of the procedure to modify the laws related to social protection in the FBH. The new Law on Social Protection passed in the RS significantly improves the system of protection for victims of violence. The entity and BDBH's laws also regulate the work of the safe houses, i.e. shelters for victims, and the mode of their financing.

[40] The Official Gazette of BH, No. 55/09.

[41] The Official Gazette of BH, No. 70/09.

[42] 2009–2010 Strategic plan for prevention of domestic violence in the Federation of Bosnia and Herzegovina. In accordance with the obligations foreseen by the 2009–2013 Strategy for Combating Domestic Violence, the Republika Srpska prepared the Action Plan for Combating Domestic Violence in 2011.

93. Family legislation in Bosnia and Herzegovina additionally defines protection from violent behaviour in the family, and foresees that the guardianship bodies and institutions of health protection inform the responsible police administration on violent behaviour immediately upon any discovery of such.

94. As previously emphasised, among persons with disabilities, the most endangered category is persons with mental impairment and persons accommodated in the institutions. In addition to monitoring of the work of these institutions by responsible ministries, supervision is also implemented within the inspections, as another protective mechanism. As it was emphasised, the Commission established on the level of BH (commissions for monitoring of residential institutions, prisons and detention units), prepares ad hoc reports on the situation in these institutions on annual basis, or as needed, gaining information through visits. Besides the above-mentioned mechanisms, the social welfare centres, active in every municipality in Bosnia and Herzegovina, as a professional body for monitoring of parenting and guardianship, have the possibility to monitor the conditions and life situation of persons with disabilities, both minor and of full age, as well as legally incapacitated persons.

Article 17 – Protecting the integrity of the person

95. The already mentioned Law on Rights, Obligations and Responsibilities of Patients in the FBH defines that every patient has the right to: joint decision-making; being informed, accepting or rejecting certain diagnostic or therapeutic procedure; access to medical documentation; confidentiality; maintaining personal contacts; self-willed leaving of a health institution; privacy and compensation of damages. For a patient who is unable to give own consent for a medical procedure, a person with more complex mental impairment, and a legally incapacitated person, the consent is signed by a legal representative or legal guardian of the patient, unless in the event of urgent medical intervention, which must be performed in order to save the life or health of the patient, or avoid permanent damage of the patient's health. The said consent can be given by signing the statement, and can be withdrawn at any time.

96. According to the laws which define the protection of persons with mental impairments, mentioned earlier in the text, a person with more complex mental impairment can be accommodated into a health institution without the patient's consent, should that be necessary for the protection of the patient's health or safety, or protection of health and safety of other persons. If the said person is a child, minor person or a legally incapacitated person, they can be forcefully accommodated into an institution for the above reasons, even without the consent of their legal representative. The decision on this is made by the court. The health institution has an obligation to inform the commission on protection of persons with mental impairments on any such case of deprivation of freedom. Further keeping or release from a psychiatric institution will be decided upon by the court, based on the opinion of a psychiatrist, a court certified expert, who is not employed by the institution in which the person in question is forcefully accommodated.

97. The rights of the patients are represented by the Health Insurance Fund. The funds protects the rights of the insured parties, and the staff in each branch assists with the submission of requests and claims, where needed.

Article 18 – Liberty of movement and nationality

98. In accordance with Article 8 of the Law on Movement and Residence of Foreigners and on Asylum[43] "the discrimination of foreigners based gender, sex, race, skin colour, language, religion, political or other opinions, national or social background, national minority background, financial standing, standing gained by birth or any other standing, is strictly prohibited".

99. The right to name and citizenship is provided to all children in BH under the same conditions, and in accordance with the positive regulations related to this field.

100. The birth of every child, both live-born and stillborn, is reported to the responsible registry office, in accordance with the laws on registry books of the FBH and RS. The law defines the deadline for the registration, and the persons obliged to carry it out. At the same time when the child is registered into the registry of birth, the child who is entitled to the citizenship of Bosnia and Herzegovina by origin, is registered into the registry of citizens.

101. The child is given a name defined to him/her agreeably by the parents, in accordance Law on Personal Name.[44] If the parents could not agree on the personal name of the child, the name is given by the responsible social welfare centre. If one of the parents is not alive, or is prevented from providing parental care, or is unknown, or his/her residence is unknown, the child is given a name by his/her other parent. With the purpose of protecting the rights and interests of the child, the social welfare centre has an obligation to initiate the procedure to define the personal name of the child within the period of 15 days from receiving the information from the registrar that the parents did not reach an agreement on the name. If both parents are not alive, or are unable to provide parental care, the child is given a personal name by the person who was entrusted to care for the child, with the agreement of the responsible department of social protection. The personal name of a child whose parents are unknown is defined by the responsible department of social protection. This issue is defined in the same way in the RS and BDBH.

Article 19 – Living independently and being included in the community

102. In accordance with the laws on social protection in both entities and BDBH, there is a right to home assistance for elderly and feeble. This right is rarely used, because it is limited by financial censuses and income in the family. In accordance with the new Law on social Protection of RS, personal assistance can be organised as a service at the level of local community. All these services cover mostly a small part of the time during a day, but positive effects are already visible in beneficiaries becoming independent. Well developed and accepted in the community is the service of the Daily Centres for Persons with Mental Impairments of different age. The aim of these is to sustain the existing abilities of the beneficiaries and to provide them with the maximum level of socialisation. The Daily Centres for Elderly Persons are becoming present in practice. Reform processes in the field of social protection have also been initiated in the area of the FBH. These are related to the institutions of social protection and they are moving towards the deinstitutionalisation and transformation of the existing institutions for accommodation of persons in social need, and specifically persons with disabilities. With the aim of providing the best possible treatment to persons with disabilities who are accommodated in the institutions, as well as with the aim to achieve harmonisation with the international standards, the Federal Ministry of Labour and Social Policy implemented the activities related to transformation of the

[43] The Official Gazette of BH, No. 36/08.

[44] The Official Gazette of the Federation of BH, No. 8/12.

Institute for Accommodation of Mentally Impeded Persons. The implementation of the given activities will provide for development of a number of support services for persons with disabilities in the community. The programme of living in the community needs to be specifically mentioned. It is implemented with the support of nongovernmental organisations.

103. The war veterans with disabilities have higher income and assistance, but the programmes to provide stronger inclusion in the community and support in independent living are also lacking in this segment.

104. In relation to the Convention and the preconditions for independent living, it needs to be emphasised that two organizations of persons with disabilities in BH, in cooperation with the Centre for Independent Living in Helsinki, have implemented programmes related to this in the last three years. The programme includes raising awareness on all preconditions of independent life, legal assistance, housing conditions, appropriate transportation, peer support and other activities. Seven persons in the RS were educated and they provide peer support in their organisations. They also provide monthly support at the Institute for Physical Medicine and Rehabilitation "Dr Miroslav Zotovic" in Banja Luka. This institution has two peer-support groups for amputees, including the landmine survivors and beneficiaries of assistance for other persons. The programme of peer support for landmine survivors has been a multi-annual programme implemented by the Landmine Survivors Initiatives, with the headquarters in Tuzla and branches all over Bosnia and Herzegovina.

Article 20 – Personal mobility

105. An important aspect in achieving larger independence and autonomy of persons with disabilities is provision of orthopaedic and other aids, as well as achievement of the right for the assistance of other persons. This right is defined by the FBH Decree on Scope, Conditions and Methods of Use of orthopaedic and other aids, endoprosthesis, dental prosthetic aids, and dental prosthetic substitutes, passed in accordance with Article 33 of the Law on Health Insurance.[45] The decree includes orthopaedic, optic, hearing, typhlo-technical, surdo-technical and dental aids, intended to improve damaged functions, mitigate or remove physical impairment or lack of body organs or organic systems, i.e. to compensate for anatomic or physiological functions after impairments caused by illness or injury. The rights to orthopaedic aids in the RS are regulated by the Rulebook on Orthopaedic Aids, which is regularly harmonised with the modifications of the Law on Health Insurance. The beneficiaries are involved in the preparation of the Rulebook in order to provide for the maximum of rights in relation to the funds disposed with. In accordance with the 2012 Draft Rulebook,[46] children and youth are given especially convenient conditions for obtaining of aids.

106. Ensuring accessibility to public transport for persons with disabilities is under the authority of the local self-government, which carries out measures to provide conditions for their easier immobility – installation of sound signallers on crossroads, lowering of pavements, etc. The persons with disability of lower extremities, WVD and civilian victims of war in the FBH and RS have the right to import vehicles not older than 7 years, under convenient conditions (tax and customs free).

[45] The Official Gazette of the Federation of BH, No. 30/97, 7/02.

[46] The Rulebook on the Right to Orthopaedic and Other Aids (the Official Gazette of the RS, No. 42/09, 51/09, 64/09, 101/09, 02/10, 10/10, 73/10, 101/10, 17/11, 42/11).

107. Programmes for training in use of a white cane, reading of Braille and training of sign language interpreters are regularly financed from the funds of the Lottery, through public calls for project proposals in the RS, as well as public calls at the local level. The Law on the Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children in the FBH defines that a person with disability who is sent outside of his/her place of residence to receiving training in life skills and work has the right to receive financial assistance to cover the costs of accommodation, food and transport.

108. The right to the assistance by others is realised through several systems and it is paid directly to the beneficiaries, i.e. persons with disabilities. Personal assistance for persons with disabilities is realised through the extended right in accordance with the possibilities of the local communities.

Article 21 – Freedom of expression and opinion, and access to information

109. The freedom of expression and opinion is guaranteed by the BH Constitution and entity and cantonal constitutions, while the right of legal and natural entities to free access to information is regulated by the Law on Free Access to Information, in both entities and the BDBH. These laws provide each natural and legal entity with the right of access to information under the authority of a public body, and each public body has a responsibility to provide the given information. The right to access to information can be limited only in a way, and under conditions, defined by the law.

110. There is a large number of radio and television stations (public broadcasters, and private media) whose duty is to provide information to the citizens, i.e. to provide exchange of all types of information. The representatives of the associations are not satisfied with the duration of the content and consider the broadcasts to be rather rare. Additionally, individual daily or weekly programmes with translation into sign language provide an overview of the news that had already happened, or are aired during the period, which is nonconforming to the needs of persons with disabilities. Prime time broadcasts on radio and television are dedicated only when an organisation or the Association of Persons with Disabilities is celebrating a significant date, or implements events which are more attractive for the public.

111. Due to small representation in the media, there are attempts to improve the information flow on persons with disability, towards persons with disability, as well as others. This has a direct impact on the awareness of citizens on the problems with disability, rights and possibilities of persons with disabilities, and other issues. The access to information is continuously provided through web portals and magazines of some organisations and associations of persons with disabilities, edited and published by them alone. Still, the distribution of the information is insufficient.

Article 22 – Respect for privacy

112. The Law on Protection of Private Data[47] provides the protection to all persons on the territory of Bosnia and Herzegovina, regardless of their citizenship or place of residence. It also provides the protection of human rights and basic freedoms, and specifically the right to privacy related to processing of personal data related to them.

[47] The Official Gazette of BH, No. 49/06.

113. The Law on Rights, Obligations and Responsibilities of Patients in the FBH, foresees that the data from medical documentation belongs to the category of personal data on the patient, and thus present the official secret. The personal data from paragraph 1 of this Article include all identification and identifying data about the person's health and medical condition, diagnosis, prognosis and treatment, as well as the data on human substances based on which the identity of the person can be determined. This also includes a doctor's certificate of illness, submitted to the employer in a sealed envelope. The right to confidentiality of data is similarly regulated in the RS and BDBH.

Article 23 – Respect for home and family

114. The Family Law of Bosnia and Herzegovina defines that a legally incapacitated person, or a person with reasoning impairment cannot enter into a marriage. Exceptionally, during an extrajudicial procedure, the court can allow the person with reasoning impairment to enter into a marriage, if it determines that the said person is able to understand the meaning of the marriage and the obligations resulting from it, and if the marriage is obviously in the interest of the said person.

115. Among other issues, the Family Law defines that the person with limited capacity or a legally incapacitated person cannot adopt a child. This provision includes also persons who do not provide sufficient guarantees that they will implement parental care in proper manner, as well as a person whose spouse shows any of the above listed circumstances.

116. The Family Law also defines that, at the request of one or both parents. or by the official duty, the guardianship body can decide to accommodate child or entrust care for the child to another person or an institution, if such measure is needed for the protection of the best interests of the child. It needs to be emphasised that the making of such a decision is not conditioned by the disability of a parent or a child, but understands any situation in which the protection of a minor child is required as described. The Family Law also defines that the minor child will be placed under custody if their parents have not gained legal capability, or it was taken away from them, or is limited.

117. The guardianship body can entrust guarding and upbringing of a minor protégé to a guardian, other person or an institution by the guardianship body. When deciding on the measures to be applied to a particular protégé, the guardianship body will be primarily guided by the interests of the protégé, and material opportunities at their disposal, applying the appropriate methods of social and other expert work during the process. During the decision process, the guardianship body is obliged to provide the opinions of appropriate organisations, or experts, with the aim of fullest possible protection of individuality, the rights and interests of the protégé and his family, and to cooperate with them. This institute is used in all cases when there is a need to protect the interests of a minor child (regardless of whether it is a child with disability or not) by placing him/her under custody and making a decision on accommodation of the child outside of his/her family.

118. Furthermore, the Family Law defines that the guardianship body will provide assistance to parents in putting their social, material and personal circumstances and relationships in order, and if the interest of the child requires so, the body will refer the parents to an appropriate counselling office. The given attention is provided by the guardianship body regardless of whether the parents are persons with disability or not.

119. There are institutions and centres established by social protection institutions and NGOs, which provide assistance to the family in overcoming their impairments and development of skills of persons with disabilities. Additionally, the social welfare centres are also involved in this type of consultative work, as well as a number of NGOs.

120. In accordance with the law in the field of social protection, persons with disabilities have the right to services of social and other work, which can be obtained independently from their material possibilities and use of any form of social protection. The services of social and other expert work include the consultative work provided by the institutions in settlement of domestic and marital problems, including measures and actions, in cooperation with local communities and other bodies, on prevention and combating socially unacceptable behaviour of children and other individuals, families and social groups.

121. Persons with disabilities can be accommodated in the institutions, e.g. outside of the family, if the family cannot provide appropriate protection, or if those are persons without family care, or when the appropriate protection cannot be provided in any other way. The type of rights, i.e. the form of protection, based on the overall assessment of the needs of the beneficiary and the possibilities of his/her family, is defined by the responsible institution making the decision on the said right.

Article 24 – Education

122. The BH Constitution defines that all persons on the territory of Bosnia and Herzegovina have the right to education, and the establishment of this right belongs to the entities. In accordance with the Constitution of the Federation of Bosnia and Herzegovina,[48] the cantons in the Federation of Bosnia and Herzegovina have the responsibility to define education policies and bring rules on education and to ensure it.

123. In accordance with the laws in force in BH, institutions of education, at all levels of education, have the responsibility to contribute to creation of a culture in which human rights and basic freedoms of all citizens, as defined by the Constitution and other documents in the field of human rights, signed by BH, are respected.

124. The Framework Law on Preschool Education in BH[49] states that every child has equal rights to access and the equal rights to participate in the appropriate upbringing and education without any discrimination. It is also defined that the equal access and opportunities understand provision of equal opportunities for all; in starting and continuing further education and upbringing.

125. In order to fulfil "reasonable accommodation" given in the Framework Law on Preschool Education (integral programmes for children with special needs), it is said that the children with developmental difficulties should join preschool institutions with programmes adjusted to their individual needs. An individual programme will be made for each child, adjusted to his/her possibilities and abilities. Integration programmes are prepared and implemented for children with impairments.

126. As well as in previously described law, the Framework Law on Primary and Secondary Education in BH[50] defines general goals of education, understanding the promotion of the respect of human rights and basic freedoms, and preparation of every person for a life in the society which respects the principles of democracy and rule of law (point c) and provision of equal education opportunities and possibilities of choice at all levels of education, regardless of gender, race, national background, social and cultural background and status, family status, religion, psycho-physical and other personal characteristics (point e).

[48] The Official Gazette of the Federation of BH, No. 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03.

[49] The Official Gazette of BH, No. 88/07.

[50] The Official Gazette of BH, No. 18/03.

127. This law defines that each child has the same right of access and equal opportunity to participate in the appropriate education, without any discrimination. Equal access and opportunities include provision of equal conditions and possibilities for all, to start and continue education. This article also mentions that the appropriate education understands education which ensures that the child will develop its inborn and potential intellectual, physical and moral abilities, in all levels of education.

128. Article 5 (Significance of the Children's Rights) states that the rights of a child, related to education, proper care for wellbeing of the child's physical and mental health and safety, in schools and all other places where children are being educated, has the priority over all other rights. In the event of conflict of rights, the priority is given to the right, interpretation and actions, which will be in the best interest of the child.

129. According to Article 19 of the same law, children and youth with special educational needs, gain education in regular schools, based on the programmes adjusted to their individual needs. Individual programmes, adjusted to their possibilities and abilities, will be prepared for each student with compulsory definition of special teaching and speech-language status.

130. According to Article 35, paragraph 1, the school must not execute any discrimination in access of children to education or their participation in the education process, based on race, colour, gender, language, religion, political or other opinion, national or social background, or because they are children with developmental difficulties, or any other basis.

131. Article 20 of the Framework Law on Preschool Education in BH (Organisation of Special Preschool Education Facilities) states that, in such instances where it is not possible to organise educational work in the preschool institution for a child of preschool age who has developmental difficulties, the said work can partially or fully be performed in special preschool education facilities.

132. If it is impossible to provide appropriate education in regular schools for children and youth with serious disabilities and developmental difficulties, Article 19, paragraph 2, of the Framework Law on Primary and Secondary Education, foresees that they can partially or fully participate in the education process in special education facilities.

133. These issues are regulated at the entity levels through the Law on Preschool Education[51] and the cantonal laws, which obligate the institutions to provide conditions for equal participation for children with special needs. When enrolling to a preschool institution for children with special needs, the facility has an obligation to prepare individualised education programme in a very short period of time (in the RS, this period is maximum 3 months from enrolment).

134. An optimal education group cannot have more than one child with developmental difficulties, unless it is a preschool institution with a smaller number of education groups in relation to the number of enrolled children with developmental difficulties. In such cases, two children with developmental difficulties can be included in a group, but the total number of children in the group will then be reduced for three children. Preschool institutions and facilities which use the programme of preschool education have the obligation to remove architectural and communicational barriers in order to provide equal possibilities for access to the preschool education. The law foresees that the education group attended by a child with special needs has an inclusion assistant, too. The tasks of an inclusion assistant can be performed by a person who has at least graduated from a 4-year

[51] The Official Gazette of the RS, No. 119/08 and 1/12.

secondary school of health orientation. Exceptionally, the tasks of an inclusion assistant for a child who attends a preschool institution can be performed by the child's parent, who has at least graduated from a 4-year secondary school, but it does not have to be of health orientation.

135. The issue of access to primary education at the entity level is defined by the Law on Primary Education in the RS[52] and in the FBH, with 10 cantons. Additionally, this law defines that every child has the equal right to access and to have equal opportunities in primary education without any discrimination. Chapter V regulates education of students with impairments in psychophysical development in special classes and special schools. In practice, an increasing number of assistants in schools through the system of education for all are being registered, but that number is still insufficient.

136. In addition to general goals of the education, defined by the Framework Law on Secondary and Primary Education in BH, Article 3, (Aims of Secondary Professional Education and Training), paragraph 1, of the Framework Law on Secondary Professional Education and Training in BH[53] states that the student has equal rights to secondary professional education and training, within the secondary education and training system, in accordance with his/her interests and abilities. Paragraph 2 of the same Article specifies that the student is provided with the support in choosing the appropriate profession and integration into the social life, within the framework of the secondary professional education and training. Article 8 (Development and Content of Curriculums), paragraph (7), of the same law states that the education of children with difficulties is implemented in accordance with the secondary professional school's curriculum, defined by the authorised educational authorities.

137. In addition to the framework law, the entities passed the laws on secondary education in RS,[54] and in the FBH on the cantonal level, too. There are only three special schools in the RS: for children with hearing impairment, sight impairment and children with mental retardation. The implementation of the law is increasing on annual basis, respecting the right for the children to have assistants in education, which is provided by employment of the assistants in the schools. In the area of the FBH, there are nine special schools.

138. Children with special educational needs have the right to secondary education. The education of children and youth with special education needs, presents an integral part of the single education system. A person enrols in the school for students with special educational needs based on the decision of the commission for evaluation of ability and classification, brought by the responsible institution. The proposal for evaluation or re-evaluation of the type and level of difficulties can be submitted by a parent, guardian, member of the family, health service, institution of social and child protection, school or another public, nongovernmental or private organisation, as well as an individual.

139. The document titled 2008–2014 Strategic Directions in Development of Education in BH with the Action Plan,[55] point 45 (Stimulation of Continuous Professional Development of Teachers, Principals and Other Employees in Educational Facilities), states that the success of any reform in education depends on professional, competent, motivated and communicative human resources, ready to engage in continuous personal development. Thus, the improvement of the initial education and professional development of the educational staff is of utmost significance. The same point of this strategic document states

[52] The Official Gazette of the RS, No. 74/08, 71/09 and 104/11).
[53] The Official Gazette of BH, No. 63/08.
[54] The Official Gazette of the RS, No. 74/08, 106/09 and 104/11).
[55] The Official Gazette of BH, No. 63/08.

that the educational authorities are responsible for professional, pedagogical and psychological education and training of teachers in autonomous provision of educational work. The 2010–2014 Strategy of Education Development was brought in the RS, where special attention is paid to children with special needs, and to improvement of their position. One of the general goals of the Strategy is to raise the level of education.

140. The Framework Law on Primary and Secondary Education in BH regulates that the education of adults is organised in certain courses. The education of adults includes professional training, additional training, retraining and other activities ensuring life-long learning. The education of adults is regulated in more detail by the entity, cantonal and Brcko District of Bosnia and Herzegovina's laws, in accordance with the principles and standards defined by this law.

141. The Framework on Secondary Professional Education and Training in BH regulates that the schools can organise the training of adults within their registered activities, with the agreement of the responsible educational authorities. The responsible minister passes the curriculum for education and training of adults. The participants of the adult training are charged for their participation. The amount of the fee is defined by the school board, with the agreement of the responsible Ministry of Education.

142. Within the existing legislation, the field of adult education is not at the level of the BH; it is regulated at the level of the entities, and the level of cantons in the FBH. Primary and secondary education of adults is continuously implemented in practice, providing for persons without completed primary and secondary education to be included in the education process. This is implemented by defining the schools in BH, which such persons can address and which will implement the necessary procedure for obtaining of primary and secondary education in the most effective and quality manner. Besides these specific schools in BH, which provide education of adults, there are also the centres which provide educational services to adults who wish to be retrained or receive additional training in certain skills (IT, foreign languages, etc.).

143. Article 7 of the Framework Law on Higher Education in BH[56] states that access to higher education is provided to all those who successfully completed the 4-year secondary education in Bosnia and Herzegovina. Furthermore, this article also defines that access to higher education will not be limited, either directly or indirectly, by the licensed higher education institutions, based on any realistic or assumed basis, such as: gender, race, sexual orientation, physical or other impairment, civil status, skin colour, language, religion, political or other opinion, national, ethnic or social background, relation with any national community, property status, birth, age or any other status.

144. The Framework Law on Higher Education in BH defines the rights and obligations of the students, defining that the statute or an equivalent founding document of each higher education facility contains provisions to protect students from discrimination based on any grounds: gender, race, sexual orientation, civil status, skin colour, religion, language, political or other opinion, national, ethnic or social background, relation with any national community, property, birth, age or any other status.

145. The Law on Higher Education of RS[57] as well as the cantonal laws in the FBH, define that the responsible ministries have an obligation to provide special instruments to public higher education institutions with the purpose of achieving equal conditions in exercising the rights to higher education for persons with disabilities. Special scholarships for students with disabilities present a positive example (20 scholarships are granted in the

[56] The Official Gazette of BH, No. 59/07.

[57] The Official Gazette of the Republika Srpska, No. 73/10 and 104/11.

RS every year). There is a similar practice in the FBH, too. Centres for Assistance to Students with Disabilities were established and they are included in the TEMPUS project, involving 10 universities in BH, with the aim to provide better conditions for students with disabilities all over BH.

Article 25 – Health

146. Since 2003, the CoMBH has ratified the Standard Rules on Equalization of Opportunities for Persons with Disabilities.[58] According to this document, Rule 2 (Health Protection) states that the responsible authorities in BH, entities, and the Brcko District, need to ensure efficient health protection for persons with disabilities, as well as that the responsible authorities of BH, entities and Brcko District need to work on creation of programmes involving multi-disciplinary teams of experts with the purpose of early detection, diagnostics and treatment of impairments. This could prevent, reduce or eliminate disabling effects. Such programmes should ensure full individuality in participation of persons with disabilities at the level of planning treatment methods and their valuation.

147. There is no singular law on health protection at the level of Bosnia and Herzegovina. Health protection is the responsibility of the entities and BDBH, and it is defined by the laws and other regulations of the entities and BDBH. In accordance with the laws,[59] health protection is compulsory and voluntary. The compulsory health insurance provides all insured persons with the rights and obligations based on the primary health insurance, ruled by the principles of mutuality, solidarity and quality, meaning that all health services are available to all persons regardless of their gender, age and religion. Voluntary insurance understands supplementary, additional and private insurance. In the case of supplementary insurance, the difference to the full value of the right to health protection based on the primary health insurance is borne by the insured person themselves, including persons with disabilities.[60]

148. The system of health protection is centralised in the RS, while it is decentralised in the FBH, since the responsibility of the federal and cantonal authorities is distributed in the sphere of health. The federal authority has the right to define the politics and bring laws related to this field, while the cantons have the right to define the policy and implement the laws in accordance with the requirements of the responsibility in the sphere of health, and are realised by cantons, in coordination from the federal level of authority. All citizens, including persons with disabilities, are guaranteed the unalienable right to exercise health protection, i.e. the right to accessible health service of standard quality and equal content for all.

149. Within their rights arising from the compulsory health insurance, persons with disabilities exercise health protection under the same conditions as other insured persons, which involves the right to primary health protection, specialist and consultative health

[58] The Official Gazette of BH, No. 41/03.

[59] The Law on Health Insurance of the RS (the Official Gazette of the Republika Srpska, No. 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 01/09, 01/09, 106/09); Law on Health Insurance of the FBH (the Official Gazette of the FBH, No. 30/97, 7/02 and 70/08); Law on Health Insurance of the Brcko District of BH (the Official Gazette of the Brcko District of BH, No. 1/02, 7/02 19/07 2/08 and 34/08).

[60] The Law on Health Protection of RS (the Official Gazette of the RS, No. 106/09); Law on Health Protection of the FBH (the Official Gazette of the FBH, No. 29/97); Law on Health Protection of the Brcko District of BH (the Official Gazette of the Brcko District of BH, No. 2/01, 19/07 and 2/08).

protection, hospital health protection, the right to use of medicines defined by the primary and supplementary list of medicines, the right to dental and prosthetic aid and dental and prosthetic substitutes, the right to orthopaedic and other aids and the right to health protection abroad.

150. In relation to the existing systems, there are differences in insurance of the overall measures of health protection for persons with disabilities. A Solidarity Fund was established within the Institute of Health Insurance and Re-insurance FBH, with the aim to achieve equal conditions for implementation of the compulsory health insurance, specifically on the territory of the FBH, for all cantons for certain priority programmes of health protection and provision of the prioritised, most complex forms of health protection from within specialist fields. The Fund ensures additional funds intended for specialist treatment. The system in the RS is centralised; thus, there is no difference in the scope of protection. When compared, the systems of the FBH, RS and BDBH, the difference can also be seen in view of certain forms of protection, but overall, it can be concluded that persons with disabilities are provided with the basic forms of protection.

151. At the primary level of health protection, Centres for Mental Health and Centres for Physiotherapy have been established within the health centres, and they operate with the aim to create equal conditions for implementation of compulsory health insurance in accordance with the law, and with the purpose of providing a more available health protection.

152. The Centres for Mental Health in the Community, in the FBH, RS and BDBH, carry out promotion and prevention in the field of mental health, rehabilitation of mentally ill persons, prevention of disability and rehabilitation, as well as care and assistance to the incapacitated persons. Besides these tasks, the Centre for Mental Health in the Community also carries out health-related promotional work on improvement of mental health in the community; proactive approach in recognition and early diagnostics for persons with a risk for mental health; education of patients, family members and working environment; psychological counselling in the family and community; estimation of risk for mental health in the community; planning and implementation of occupational therapy in the community; test-based psychological measurements; out-patient therapeutic and rehabilitation procedures in the field of mental health protection; socio-therapy; and treatment of addiction illnesses in out-patient conditions.

153. The Centres for Physiotherapy carry out health and promotional work in the field of physiotherapy; outpatient therapeutic and rehabilitation procedures in the field of physical medicine; occupational treatments; testing and evaluation of tests, and cooperate with other services with the purpose of improving the treatment of the patients.[61]

154. Every insured person, including persons with disabilities, have the right to free choice of their general practitioner, as well as the possibility to receive medicines and vaccines in accordance with the implementation regulations, based on the principles of health profession and medical ethics, and voluntary registration with the teams of primary health protection, which has been propagated for a long time.

155. Accordance to the UN Standard Rules, Rule 15 (Legislative), states that the responsible authorities of BH, entities and BDBH are responsible for creation of legal fundaments for the measures to achieve the goals of full participation and equality of persons with disabilities.

[61] Their establishment in the FBH, RS and BDBH is defined by the Law on Health Protection.

156. A number of laws are in force in Bosnia and Herzegovina, and they are largely harmonised.

- The FBH, with a decentralised system, has many laws regulating the field of health: the Law on Health Protection, Law on Health Insurance, Law on Rights, Obligations and Responsibilities of Patients, Law on Blood and Blood Constituents, Law on Transplantation of Organs and Tissue for the Purpose of Medical Treatment, Law on Medications and Medicines, Law on Pharmaceutical Activities, Law on Protection of Citizens from Contagious Diseases, Law on Protection of Persons with Mental Impairments, Law on System of Improvement of Quality, Safety and Accreditation in Health, Law on Limited Use of Tobacco Products, Law on Health Regularity of Groceries and General Purpose Objects, Law on Traffic of Poisons, Law on Registry in the Field of Health, Law on Radiation and Nuclear Safety in Bosnia and Herzegovina, Law on Prevention and Combating Misuse of Narcotic Drugs.
- The system in the RS is centralised and defined by the following laws: Law on Health Insurance, Law on Health Protection, Law on Protection of Persons with Mental Impairments, Rulebook on Organisation, Work and Financing of Commissions for Protection of Persons with Mental Impairments.

157. A concept of family medicine was established at the primary level of health care. There was also establishment of a network of centres for ambulatory physiotherapy and a network of centres for protection of mental health in the community (24 physiotherapy centres and 22 mental health centres, distributed evenly on the territory of the Republika Srpska). The institutions have gone through the programme of facility reconstruction and equipping with the standard sets of new medical equipment. At the levels of secondary and tertiary health protection, there were significant capital investments providing for new methods and diagnostic techniques, treatment and rehabilitation involving also persons with disabilities. The reform processes included education of health staff and associates in the field of their clinical knowledge, new approach to multi-disciplinary and team work, mainly within the established services in the units of local self-government, inclusion of beneficiaries in the joint programme of health care. In view of the improvement of the quality in provision of health services, there was a significant improvement in establishment of organisational units for quality in the health institutions: the Agency for Certification, Accreditation and Improvement of the Quality of Health Services in the RS. Ethical boards were established in the health institutions. The project titled Improvement of the System of Quality and Management in the Health Institutions is being implemented. Architectural barriers, presenting obstacles for persons with disabilities in health institutions were removed in all centres for physiotherapy and rehabilitation and in all reconstructed health centres and family medicine clinics. This is, at the same time, the standard introduced for all newly constructed health institutions in accordance with the Rulebook on Conditions for the Start of the Operation of a Health Facility.[62] Exercising the rights to orthopaedic and other aids is regulated through bylaws of the Health Insurance Fund of the Republika Srpska, without any discrimination based on the cause or type of disability or residence.

158. As for the improvement of the system, a number of strategic documents were adopted over the recent years. Their aim is to improve the system of health protection in the FBH, RS and BDBH. Some of them are: Policy for Improvement of Early Growth and Development of Children, Policy for Improvement of Nutrition of Children under 5, Programme for Prevention of Mass Non-contagious Diseases, and the Policy / Strategy for

[62] The Official Gazette of the Republika Srpska, No. 121/11.

Mental Health. Within the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria's project, brochures and educational material were prepared, but not in Braille.

159. Persons with disabilities have access to health rehabilitation, as defined by the RS Rulebook on Conditions and Mode of Realizing the Rights to extended medical rehabilitation in specialised rehabilitation institutions[63] and the Guidelines on Application on the Rulebook on Conditions and Mode of Realizing the Rights to extended medical rehabilitation in specialised rehabilitation institutions.[64] In the FBH, it is defined by the Rulebook on organisation, closer conditions of space, medical and technical equipment, expert staff, which must be complied with by the centres for mental health in the community, as well as education in the field of misuse of psychoactive substances[65] and the Rulebook on closer conditions to be complied with by the centre for physiotherapy and rehabilitation,[66] as well as the method of its organisation.

160. Persons with disabilities in the FBH and RS have the possibility of receiving health protection in the institutions of social protection, which provide for children without parents, children without parental care, socially neglected children, physically and mentally impeded children, adults and feeble and old persons. This is realised at the level of primary health care, which is regulated by a contract between the health centre, or a private medical worker, and the health insurance institute.

161. The institutions of social protection, which provide for persons dependent on others' assistance, who require health care and rehabilitation, under instruction and expert supervision of a medical doctor, provide the measures of health protection in accordance with the conditions of the space, equipment and staff, regulated by the cantonal minister. The costs of the health protection are borne by the social protection institution.

162. Persons with disability in the FBH and RS have the possibility of protection in sanatoriums, health institutions at secondary levels, in which preventive health care, specialist and hospital rehabilitation, i.e. all measures of rehabilitations, are implemented with natural, healing springs.

163. The existing systems of health protection in Bosnia and Herzegovina define health insurance as a part of the social insurance of citizens, making a singular system within which the citizens, by investing funds, based on the principles of mutuality and solidarity, surely ensure the realisation of the right to health protection and other forms of insurance, in a way defined by the laws on health protection and decrees passed based on those laws. The laws on health insurance contain a provision on forbidding any type of discrimination of insured persons, regardless of the grounds: size of contribution, social background, etc. These laws define the categories of insured persons; insured persons and pension beneficiaries, beneficiaries of rights to professional rehabilitation and employment in accordance with regulations on pension and disability insurance with a recognised status of a war, peacetime and civilian person with disability, or the status of a beneficiary of family disability allowance in accordance with the positive regulations, unless they have a health insurance based on different grounds.

164. The BH laws define the right of patients to information which can be provided in writing or verbally, in a language which the patient understands, or if a patient is a foreigner, in his/her native language or in the presence of an interpreter, or sign language interpreter, in the case of a patient with disability. "Understandable vocabulary"

[63] The Official Gazette of the Republika Srpska, No. 63/10.
[64] The Official Gazette of the Republika Srpska, No. 68/10.
[65] The Official Gazette of the Federation of BH, No. 73/11.
[66] The Official Gazette of the Federation of BH, No. 29/12.

understands provision of information adjusted to the level of education, or physical, psychical and emotional situation of the person who is receiving advice or information.

Article 26 – Habilitation and rehabilitation

165. Habilitation and rehabilitation are within the responsibility of the entities. Persons with disabilities exercise the right to any type of health protection in the same volume, quality and standard as all other insured persons, without any discrimination based on any grounds. The right to medical rehabilitation is defined by the entity laws and implementing regulations. Medical rehabilitation is implemented at all three levels of health protection (primary, secondary and tertiary), as well as in specialised institutions which use a natural factor in treatment, i.e. thermal and climatic resorts. The rehabilitation services are not uniformed, and they are provided according to the possibilities of the responsible institutions.

166. At the level of primary health protection in the FBH, a medical rehabilitation in the community is organised through Centres for Mental Health in the Community and Centres for Physiotherapy. The Centres for Mental rehabilitations implement their activities through rehabilitation in the community, ensuring promotion and prevention, as well as the rehabilitation of mental health. The Centres for Physiotherapy ensure promotion of health, prevention of disability, as well as physiotherapy and rehabilitation and assistance and care for the disabled person and they act within the community. Health services are provided in the community through multi-disciplinary teams. A Rulebook on closer conditions to be complied with by a centre for physiotherapy, and a method of its organisation has been passed.[67]

167. At the level of secondary health protection, medical rehabilitation is implemented in general and cantonal hospitals, providing mostly all types of physiotherapy, including hydrotherapy. Tertiary level of medical rehabilitation is related to the clinical centres, i.e. institutes for rehabilitation, providing overall in-clinic medical rehabilitation. Rehabilitation is also provided in specialised health institutions using natural factor in treatment, such as institutions and thermal and climatic resorts. There are 6 such health institutions in the FBH. These institutions work based on contracts or commercially, and provide their services in the field of medical rehabilitation based on contracts with associations, funds of health insurance, in the event of continued hospital treatment, under convenient conditions. These services are not included in the compulsory health insurance.

168. Suppliers of orthopaedic and other aids, to which persons with disability have the right in accordance with the Rulebook on Medical Aids,[68] must provide continued supply, service and repair of orthopaedic and other aids, ensuring the appropriate quality of this type of health protection. The insured person is provided by the aid of appropriate standard, quality and value, by the HIB, in accordance with the said Rulebook.

169. Professional rehabilitation is a continued part of the general rehabilitation including professional orientation, training and employment of persons with disabilities. It is directed towards the fastest possible inclusion of a person with disability into the work in the field where this person will achieve the most competitive effect with the least chance to worsen his/her other working and general capacities. The professional rehabilitation is organised

[67] The Official Gazette of the FBH, No. 29/12.

[68] The Official Gazette of the FBH, No. 58/06, the Official Gazette of the RS, No. 22/2008 – clean version, 42/2008, 106/2008, 110/2008 – correction., 115/2008, 120/2008 – correction., 17/2010, 22/2010 – correction and 80/2010.

and implemented by the institutions for professional rehabilitation, secondary schools or other legal entities, which have fulfilled the conditions for this task.

170. In accordance with the Law on Professional Rehabilitation and Employment of Persons with Disabilities,[69] the Funds[70] implement different activities with the aim to integrate persons with disabilities into the world of labour. The Employment Bureau makes decisions on the method of realising the right to professional rehabilitation of unemployed persons with disabilities. The organisation and implementation of professional rehabilitation is done by the institutions for professional rehabilitation, schools or other legal entities, which fulfil the conditions for training. Professional rehabilitation includes the following activities: assessment of remaining working and general capacities; professional information, counselling and evaluation of professional opportunities; analysis of the labour market, possibilities for employment and inclusion in the work; evaluation of possibilities to implement development and complete the programme of professional training; professional training, additional training, re-training and programmes for maintenance and improvement of working and social skills and abilities in the period until employment.

171. The Law on the Rights of War Veterans and Members of their Families[71] defines the right to rehabilitation of war veterans who have a severe physical impairment due to illness or injury. Based on the remaining professional capacity, they have the right to professional rehabilitation, including education for tasks requiring higher professional training than the one they have completed. Professional rehabilitation is provided for training in previous or another profession, professional training for a certain job or professional advancement.

172. The persons requiring re-training in the RS in order to keep their employment, are provided with the conditions for re-training, funds for new employment when they are declared an excess staff. Article 56 of the Law on Pension and Disability Insurance of RS[72] defines the right to re-training or additional training, in the event where it is no longer possible to carry out current job, due to reduced occupational capacity. No programmes have been developed in the RS for transfer to the open market of persons with disabilities, employed in protected workshops.

173. Approach to assistive technology in the RS is mainly under the responsibility of the Health Insurance Fund of the RS and it is regulated by the Rulebook on Rights to Orthopaedic and Other Aids,[73] within which the list of aids is modified on annual basis, with the aim for the existing funds for purchase of aids, distributes as efficiently as possible and to provide new assistive technologies. The 2012 Rulebook decreases the deadline for use of aids for children and youth, and prepares reparation of aids in order for the largest possible number of persons to have access to aids (elderly persons with disabilities). Free distribution of aids is still present. These are the aids received through humanitarian aid, and they have the highest effect on the improvement of the quality of life of the beneficiaries of aids (electric beds, elevators, indoor wheelchairs, walkers, electric scooters, etc.). Access to assistive technologies is provided through projects submitted by the associations of persons with disabilities to the Ministry of Health and Social Protection of RS, and local communities.

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[69] The Official Gazette of the FBH, No.: 9/10, The Official Gazette of the RS, No. 37/11.

[70] Fund for Professional Rehabilitation and Employment of Persons with Disabilities of FBH, and the Fund for Professional Rehabilitation and Employment of Persons with Disabilities of RS.

[71] The Official Gazette of the Federation of BH, No. 61/06, 27/08 and 32/08.

[72] The Official Gazette of the RS, No. 134/11.

[73] The Official Gazette of the RS, No. 42/09, 51/09, 64/09, 101/09, 02/10, 10/10, 73/10, 101/10, 17/11, 42/11.

174. The basic set of health rights in the FBH provides health services defined by the priority federal programmes of health protection and the prioritised most complex forms of health protection in specific specialist fields, defined by the Decision on Definition of Priority Vertical Programmes of Health Protection in the Interest of FBH, and the prioritised most complex forms of health protection in specific specialist fields, to be provided to the insured persons on the territory of the FBH.[74] Human reproduction for persons with disability is a health service defined by the already mentioned Decision on Definition of Priority Vertical Programmes of Health Protection in the Interest of FBH.

175. The system of rehabilitation is implemented in all communities. The rehabilitation team is becoming more flexible and it actively participates in all types of rehabilitation. The rehabilitation involves all age groups. Treatment in the community increases access and quality of the service for persons with disabilities and their families. The services include the primary treatment of the impairment and disability at the centre and at home, as well as education of patients, promotion of health and prevention of illness and disability.

Article 27 – Work and employment

176. Issues related to work are defined at entity levels through systematic laws in the field of employment: the Labour Law and Law on Job-finding Services and Rights during the Period of Unemployment, as well the Law on Professional Rehabilitation, Training and Employment. These laws protect persons with disabilities from discrimination.

177. The Labour Law[75] defines that a person seeking employment, as well as a person who becomes employed, cannot be placed in a less favourable position based on their race, skin colour, gender, language, religion, political or other opinion, national or social background, financial standing, birth or any other grounds, membership or lack of it in a political party, trade union, physical or mental impairments, in relation to engagement, employment, promotion, conditions and requirement of the work, cancellation of employment contract, or other issues arising from the working relation. Based on the above, physical and mental impairments present one of the grounds for discrimination and they cannot present a reason for less favourable treatment of persons with disabilities in relation to other persons. In accordance with the Law on Labour, the salaries of employees are defined by the collective contract, rulebook on work, and employment contract.

178. Based on the Labour Law, the employment contract of the employee who suffered from a work-related illness, or became ill with an occupational disease, cannot be terminated by the employer during the time of the employee's temporary incapacitation to work.

179. According to this law, in such instances, and during the sick leave, the employer cannot terminate the employment contract, even if the said was concluded for a defined period.

180. Staying employed is not an option dependent on the person with disability, but the professional health service. In accordance with the Labour Law, the employee who was temporarily incapacitated for work due to injury, or work-related injury, occupational disease, for whom the responsible health institution or an authorised doctor claims that he/she is occupationally capacitated after the treatment and rehabilitation, has the right to return to the job he/she held prior to the period of incapacitation, or to another appropriate working position. In accordance with Article 66 of the said law, should the responsible

[74] The Official Gazette of the Federation of BH, No. 8/05, 11/07, 44/07, 97/07 and 33/08.
[75] The Official Gazette of the FBH, No. 43/99, 32/00 and 29/03.

institution evaluate that the employee has suffered a reduction of occupational capacity, or that there is an immediate risk of disability, the employer is obliged to offer the employee, in writing, other jobs for which the employee is capacitated. Still, if the responsible health institution establishes that there a full loss of occupational capacity of the employee occurred, there is no possibility for the employee to return to work, and the said should retire in accordance with the regulations on pension and disability insurance.

181. The Labour Law has a specific chapter defining the protection of the employees who are temporarily or permanently occupationally incapacitated. In accordance with the Labour Law, the employee who suffered a work-related injury, or has an occupational disease, cannot receive a termination of the employment contract during the period of temporary occupational incapacitation. Additionally, in general, the employer can terminate the employment contract with the employee who has reduced occupational capacity or immediate risk from disability, only with the agreement of the council of employees. According to the Labour Law, if the responsible institution evaluates that the employee has reduced occupational capacity, or that there is an immediate risk from disability, the employer is obliged to offer the employee other jobs for which the employee is capacitated, in writing. The employee who suffered a work-related injury, or who has an occupational disease, has a priority right to professional education, training and additional education organised by the employer.

182. The problem of the informal economy, which is in our State seen through illegal, undeclared employment, is attempted to be solved by increased inspections conducted on legal entities/ employers, and through preventive and repressive measures in terms of correcting the shortcomings by later declaration of persons found working, or in the event of more serious violations, through pronouncement of penalties. Nonetheless, the labour inspection does not have the methodology to specifically register and exclude persons with difficulties, caught working "cash in hands".

183. The Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities[76] defines employment of persons with disabilities and their inclusion in the labour market under special and general conditions. The general conditions for employment of persons with disabilities at the open labour market, in State bodies, judiciary, local administration, public services, institutions, funds, public companies, commercial companies and other legal entities which are not established with the purpose to employ persons with disabilities, in accordance with the law. During employment process in the public sector the advantage is given to persons with invalidity when they comply not only with general, but also with special conditions for the specific job.

184. Persons with disabilities are employed under special conditions by institutions or commercial companies when such entities are established with the purpose to employ persons with disabilities. The employment under special conditions understands employment in the organisations of persons with disabilities, as well as self-employment (crafts, freelance activities, and agricultural activities as the only profession). The right to employment under special conditions is given to persons with at least 60% of disability, persons with at least 70% of physical impairment, if the said impairment results in reduced occupational capacity, as well as persons with low and moderate intellectual impairments.

185. By passing of the said Law, the preconditions for establishment of the PREPDF were met and it was established in 2010. The activities of the PREPDF, among others, are implementation of the policy of development and improvement of professional rehabilitation and employment of persons with disabilities; financing or co-financing of

[76] The Official Gazette of the FBH, No. 09/10.

institutions for professional rehabilitation and working centres; payment of financial incentives; co-financing of development of the existing programmes and introduction of new technologies and programmes intended for employment of persons with disabilities; co-financing of programmes aimed to maintain employment levels of persons with disabilities; financing and co-financing of programmes for education of experts in the field of professional rehabilitation; as well as co-financing and financing of research programmes and development of professional rehabilitation.

186. In order to exercise the rights to incentives for employment of persons with disabilities, it is irrelevant whether the disability occurred during labour, or prior to it. Thus, the rights to the incentive from PREPDF equally include all types of disability and their origin. Paid incentives are related to return of contributions and taxes on salaries of persons with disabilities.

187. Incentives defined by the contract on employment of persons with disabilities, concluded with the insurance holder include: one-off grants, funds for adjustment of the working place and conditions, loans under favourable conditions intended for purchase of equipment, tools, machinery, appliances required for employment of persons disabilities, business premises and compensation for the difference caused by reduced labour output or co-financing of a part of the salary of the assistant (assistant in work) for the person with disability during their work.

188. The issue of employment of persons with disabilities in the Republika Srpska is guaranteed by the Constitution and it is defined by laws and other documents. Article 40, paragraph 3 of the RS Constitution guarantees specific protection for persons with disabilities. Within its constitutional responsibility, the Republika Srpska passed all required laws in the field of employment and labour, providing the protection from discrimination for all persons with disabilities, regardless of the time of occurrence and cause of disability. The Labour Law[77] prohibits discrimination of employees and persons seeking employment based on race, ethnic background, skin colour, gender, language, physical and mental health and other characteristics, which are not directly related to the nature of employment. The Law on Job-finding Services and Rights during Unemployment guarantees equality in exercising of rights to employment and prohibits discrimination on all grounds in the employment issues. The Law on Protection at Work[78] prohibits discrimination of employees in realization of protection and health at work, based on any grounds defined by the Labour Law. The Law on Professional Rehabilitation, Training and Employment of Disabled Persons[79] forbids discrimination based on gender and sexual orientation, starting from the point that the Labour Law, being a systematic regulation, prohibited discrimination on all grounds.

189. The Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities of RS foresaw several forms of employment of persons with disabilities. A person with disability has the right to be employed at the labour market under general and special conditions. Employment under general conditions is achieved by job-finding service centres, agencies and independently under the conditions defined by the Law on Job-finding Services and Rights during the Period of Unemployment. The right to employment under special conditions is granted to persons with at least 40% of disability, persons with at least 70% of physical impairment and persons with low and moderate mental retardation. Employment of persons with disabilities under special conditions understands compulsory employment of persons with disabilities in republic administration bodies, local self-

[77] The Official Gazette of the Republika Srpska, No. 55/07.
[78] The Official Gazette of the Republika Srpska, No. 30/10.
[79] The Official Gazette of the Republika Srpska, No. 54/09, 37/11.

government, judiciary, public institutions and funds, and public companies, which were not established with the purpose to employ persons with disabilities in accordance with this law.

190. Employment under special conditions also understands employment in commercial companies or protected workshop, established with the purpose of employing persons with disabilities who, due to their working and general capacities cannot be employed at the open labour market, or who are unable to keep employment. This also understands employment with application of benefits defined by the law. Employment under special conditions understands also self-employment, establishment of a company and provision of freelance activities. The Labour Law and Law on Professional Rehabilitation, Training and Employment provide for work outside of the premises of the employer, including the home of the employee, which expands the possibilities for employment. Employment in public institutions is usually implemented based on a quota principle, but there are no incentives for adjustment of the working places for persons hired in the public sector. This causes a reduced employment rate in public institutions.

191. Access to the labour market is provided equally to all citizens, and it is provided for persons with disabilities through the Law on Professional Rehabilitation and Employment.

192. Adjustment of work places is provided for persons who are employed in private and nongovernmental sector, but not for the public sector. All employment incentives are available to private and nongovernmental sector, but not to the public sector, based on its obligation defined by the law to employ persons with disabilities based on the quota system.

193. The Labour Law guarantees equal rights to all citizens, including persons with disabilities. Thus, it forbids forced labour, defines the methods for protection against mobbing, placing the burden of proof on the employer. The prohibition of illegal contract termination is defined by the Labour Law. The notice for persons with disabilities is twice as long as for other employees. All mechanisms of protection against unjustified contract termination are equally available to persons with disabilities, including: addressing the employer, inspection, courts, Agency for Peaceful Settlement. There are also penalties for violations committed by illegal termination of contract, and there is a measure foreseen in the event of court dispute. It is related to returning of the employee to the work place during the duration of the dispute.

194. The RS Employment Strategy, Action plan for employment and targeted employment programmes provide full equality for persons with disabilities in employment process and in access to all resources. Persons with disabilities have the same rights related to labour, as well as other persons. There is no discrimination based on the duration of employment and advancement in service, and they receive full protection at work. The Labour Law provides protection of all employees on equal basis, including persons with disabilities, in relation to favourable work conditions including equal opportunities and equal salary for the work of same value. This also includes safe work conditions, which are not harmful for the health of employees, and the protection from all types of mobbing. Persons with disabilities, like all other employees, can exercise their labour and union rights. The persons with disabilities, like all other employees, have access to general technical programmes, as well as programmes of professional orientation, employment bureaus and employment agencies. As for promotion of opportunities for employment of persons with disabilities in the RS, there is a Professional Rehabilitation and Employment Fund, responsible for promotion of employment, incentives and financial assistance to employment and self-employment.

195. In accordance with the data of the Fund for Training and Employment of Persons with Disabilities of the RS, there are 94% men and 6% women within the total number of

persons who used the means for employment and self-employment. This is the result of the increased number of disabilities in the male population due to war activities.

196. Special protection of ill and disabled employees in the RS is additionally defined and provided by the General Collective Contract.[80]

197. Employment of persons with disabilities in the BDBH is defined by the Law on Employment and Rights during the Period of Unemployment,[81] inclusive for all, and the Labour Law.[82] The Law on Employment and Rights during the Period of Unemployment, other regulations and acts of the Institute and Agency for Employment, provide equal rights of all persons seeking employment. Article 5, paragraph 2 of the Law on Employment and Rights during the Period of Unemployment states that the specific protection of certain categories of persons (disabled, minors, elderly) is not in opposition with the principles of the ban given in the paragraph 1 of this article. This Law's shortcoming is in the fact that it does not foresee penalties in the even of discrimination.

198. The Institute for Employment of BDBH[83] provides incentives for employers to employ unemployed persons with disabilities and family members of persons with disabilities. They have increased the incentive funds for these persons for 50% on the amount of the target group to which the unemployed person belongs according to the professional education.

199. Persons with disabilities in the BDBH can authorise representatives to represent them in work-related disputes. These authorised representatives can also be the organisations of persons with disabilities, in accordance with the Law on Administrative Procedure of the BDBH.[84]

Article 28 – Adequate standard of living and social protection

200. At the level of Bosnia and Herzegovina, the PDBH was adopted as a framework document in the field of disability. Based on this Policy, the entity Strategies for Equalisation of Opportunities for Persons with Disabilities were made, while the said has not yet been passed in the Brcko District.

201. The system of social protection in the RS, FBH and BDBH is regulated by the laws on social protection,[85] laws on protection of children[86] and family laws.[87]

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[80] The Official Gazette of the Republika Srpska, No. 40/10.

[81] The Official Gazette of the Brcko District of BH, No. 33/04,19/07 and 25/08.

[82] The Official Gazette of the Brcko District of BH, No. 19/06, 19/07, and 25/08.

[83] Law on Employment of the Brcko District of BH (The Official Gazette of the BDBH, No. 33/04, 19/07, 25/08), Decision No. 04-356-3/08.

[84] The Official Gazette of the BDBH, No. 48/11.

[85] The Law on Fundaments of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children (The Official Gazette of the FBH, No. 36/99, 54/04, 39/06 and 14/09), Law on Social Protection (the Official Gazette of the Republika Srpska, No. 5/93, 115/96, 110/03 and 33/08), Law on Social Protection of the Brcko District of BH (the Official Gazette of the BDBH, No. 1/03 and 4/04).

[86] The Law on Protection of Children (the Official Gazette of the Republika Srpska, No. 4/02, 17/08 and 1/09), Law on Protection of Children of the BDBH (the Official Gazette of the BDBH, No. 1/03 and 4/04,21/05).

[87] The Family Law (the Official Gazette of the Republika Srpska, No. 54/02 and 41/08), Family Law of the FBH (the Official Gazette of the FBH, No. 35/05), Family Law of the BDBIH (the Official Gazette of the BDBH, No. 23/07).

202. Persons with disabilities in Bosnia and Herzegovina have equal access to the process of provision of food, clothing, accommodation and access to water, based on same grounds as all other citizens. Persons with disabilities living in towns mostly have at their disposal the town's water supply and sewerage systems. In the villages, access to water is provided through programmes implemented by the responsible bodies.

203. The 2010–2015 RS Strategy for Improvement of Social Position of the Persons with Disabilities and the FBH Strategy define the direction of development of social safety for persons with disabilities through their goals, including the standard of social security, financing of the minimum of social security and pension and disability rights for persons who became disabled during the process of working.

204. In April 2012,[88] the Law on Social Protection was passed in the RS. It brought fundamental reform in this field, and specifically in relation to disability. The conditions for financial assistance were lessened, and this type of assistance is available to all citizens who are occupationally incapacitated due to their age or disability. The financial census for financial assistance was increased, which will provide for better access to social security. For example, a person living in a family with income under the minimum will have access to social financial assistance. The amounts for other rights are increased, such as the right to the care by other persons. It is divided in two groups, related to the level of impairment and the need. The perceptual amount in relation to the net salary in the past year is defined, which will provide for monitoring of a living standard on the annual level. Estimations will be carried out by the end of 2012, and all beneficiaries will receive a double of the amount for the care and assistance from other persons in comparison to the previous amount, in addition to the assistance of 10% of the average net salary in the past year. Starting with the 1st of January 2013, the first group will receive 20% of the average salary in the past year. With all financial rights in the field of social protection, persons with disability have the right to health protection.

205. The law uses the terminology related to equalisation of opportunities, thus the right to support in equalisation of opportunities of children and youth with developmental difficulties is established. It is related to support to children and youth during education. Along with the material rights, the new law defines the right to daily care through services of assistance at home for elderly, daily centres, professional assistance, mobile teams and other. Assistance at home for elderly persons is provided by the Red Cross, Caritas and Merhamet in the majority of towns of the Republika Srpska. The daily centres for persons with mental retardation and combined impairments are located all over Republika Srpska: Trebinje, Gacko, Foca, Nevesinje, Istocno Sarajevo, Banja Luka, Gradiska, Srbac and other, while the service of personal assistance up to 8 hours a day is provided in Banja Luka, Gradiska, Kozarska Dubica and other towns.

206. Services are being developed in rural areas; such as remuneration for accommodation in a family, stimulating a family to provide a person with disability with a family environment, although there are conditions met for accommodation in an institution. In accordance with the law, these services can be provided by beneficiary association, protecting the interests of the beneficiaries and providing their direct participation. Beneficiary associations providing this type of services are stimulated in different ways by the local community. The majority of the assistance comes in the form of provision of premises where the services can be provided.

[88] The Official Gazette of the Republika Srpska, No. 37/12.

207. The new law provides for the care for persons with disabilities to be distributed between the family, financial assistance provided by the State (50% entity and 50% municipality), and services financed by the municipality.

208. The Law on Pension and Disability Insurance[89] regulates the right to disability pension, right to a family pension for persons with disability and persons who became disabled while younger than 14, providing essential existence of persons who are occupationally incapacitated, and whose families have the obligation to take care of them in accordance with the Family Law.

209. The accommodation issues are solved in several ways. Firstly, stimulation is provided to local authorities and persons with disability to stay in their own community, because the deinstitutionalisation process presents a strategic approach to issues of accommodation. If they require reconstruction, persons with disabilities can contact social welfare centres, who arbitrate in contact with local authorities and authorised ministry of the RS in provision of the given conditions. Based on the proposed projects, the beneficiaries will receive funds to create adequate living conditions. Volunteers from local communities often participate in the actions. The RS Strategy for Improvement of the Position of Persons with Disabilities foresees provision of housing through provision of social flats. Social flats, which existed before 1992, have aftermath been privatised and only a small number of flats remains. Today, these flats are used for social categories and, among them, persons with disabilities.

210. In the FBH, the concept of social protection, under the provisions of the Law on Basis of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, presents an organised activity, directed to provision of social security to citizens and their families in need of social assistance. The system of social protection in the FBH is founded based on humanism, solidarity and civic morality. It is implemented through detection, reduction and elimination of causes leading to social need. The beneficiaries of the rights and the conditions of their eligibility are defined by the given law. Indirect provision of social protection in the FBH is implemented through the federal and 10 cantonal ministries of social policy, and through 78 local services of social protection (53 social welfare centres and 25 municipal services), two cantonal social welfare centres, 26 institutions for accommodation of beneficiaries of social protection and 11 daily centres for daily care for persons with disabilities.

211. The basic rights of persons with disabilities, paid out of the FBH Budget (funds for payment of remuneration to civilian victims of war are participatory provided in the FBH; 70% from the FBH budget and 30% from the cantonal budgets). The purpose of this statutory provision is to provide persons with most difficult disabilities (non-war related 90% and 100% of physical impairment, and for civilian victims of war with 60–100% of physical impairment) with tangible protection and support with the purpose of equalising their opportunities.[90]

212. The given law in the FBH defines the right to other person's care and the assistance for persons with the most difficult disabilities, i.e. persons who require assistance from others in implementation of their essential life needs. This type of right is exercised by the civilian victims of war and persons with non-war related disability. Besides the basic rights

[89] The Official Gazette of the Republika Srpska, No. 134/11.

[90] In 2010, 150,000,000.00 KM was allocated from the FBH Budget for about 50,000 so called non-war-related disabled persons. The amount of 24,824,326.17 KM was allocated for 10,904 civilian victims of war. In 2011, for the rights of 42,198 non-war-related disabled persons saw the allocation of 151,685,784.84 KM, and 34,216,698.17 for the rights of 10,782 civilian war victims (from the Federal Budget 24,222,971.90, and from cantonal budgets 9,993,726.17 KM).

for persons with disabilities and the civilian victims of war, the rights to financial and other tangible assistance are also defined, exercised at the cantonal levels. Also operational is the social protection for persons in social need, and among the first priority beneficiaries are persons with disabilities and elderly persons. This provision defines conditions that are somewhat more favourable for women in exercising their right to financial assistance; the age limit for women is 60, and for men is 65 years of age. Housing issues, as well as the programmes of social living are within the authority of cantonal or municipal authorities.

Article 29 – Participation in political and public life

213. The right to participate in the elections is regulated at the level of BH, through the Law on Elections BH.[91] The Law on Elections does not deny persons with disability to vote or be elected. There is no specific legislation preventing persons with disability to participate in the political life, but, at the same time, there are no measures to encourage persons with disability to participate in political and public life. Persons with disability who require assistance or a mobile team are provided with such aid in order to vote. The Rulebook on Methods for Implementation of Elections in BH[92] provides for these persons to register and receive assistance in the way, which is most favourable for them. During the campaign prior to the elections, the information is provided to all citizens through electronic media, sign interpreters, print media, etc.

214. The strategies for improvement of the social position of persons with disabilities in FBH and RS have identified the need to provide active participation in the work of political parties, in political life and decision-making processes at all levels. Specific encouragement is given to the organisations of persons with disabilities to participate in public debates related to documents of importance for all citizens.

215. Organisations of persons with disabilities in BH are organised through the Law on Associations and Foundations. This law exists at entity and State levels. There is no register of Associations of Persons with Disability at the levels of RS or BH, but eight unions were identified and have received the status of public interest of the RS, which means that they receive funds for their work in accordance with the Rulebook on Criteria and Procedure for Allocation of Financial Assistance to the Associations of Public Interest, Other Associations and Foundations. The majority of the associations, which are not declared to be of public interest, receive smaller support on annual basis.

216. Associations and alliances whose activities are implemented in the area of the FBH or cantons are organised in accordance with the federal law.[93] It also foresees that the responsible federal and cantonal bodies, participating in the establishment of the policy for implementation of social protection programmes, need to cooperate with the associations of persons with disabilities. The majority of the organisations of persons with disabilities are united through alliances: municipal organisations are united in cantonal alliances; cantonal alliances and associations in federal alliances, and some persons with disabilities have managed to establish umbrella organisations at the level of Bosnia and Herzegovina. Additionally, a part of the umbrella organisations, depending on the type of disability, are members of Balkans, European and World associations.

217. There are certain forms of joint operations in the work of alliances, thus nine of them have established a joint, informal body, the Coordination Board of the Disability-

[91] The Official Gazette of BH, No. 20/02.
[92] The Official Gazette of BH, No. 37/10.
[93] The Law on Associations and Foundations of the FBH (the Official Gazette of the Federation of BH, No. 45/02).

based Organisations of RS. Through this body, they jointly initiate settlement of very complex problems and position of persons with disabilities. Eight organisations in the FBH have established the Council of Persons with Disabilities in the FBH. The movement of persons in the BDBH does not have a formal body of association, which significantly weakens their position as negotiators in the decision-making processes and their implementation in practice. Unfortunately, there is no coordination of all organisations at the BH level.

Article 30 – Participation in cultural life, recreation, leisure and sports

218. At a proposal of the MCABH, the CoMBH awarded grants to the Association of Unhearing and Hearing-impaired Persons of BH — Mostar, for the programme titled "Sign Language in BH — Culture of the Unhearing — Affirmation of the Sign Language", and to the Association of Unhearing and Hearing-impaired persons "Hearing" (SLUH), from Mostar, for the programme titled "Sign Language in Herzegovina".[94]

219. Persons with disabilities in BH have received recognition in sports activities at all levels of authority. This is best seen from the fact that persons with disabilities are present in all contests for the best athlete. In addition, it is significant to mention that BH has a Paralympics Committee, Special Olympics BH and other forms of sport organisations for persons with disabilities. The modifications and amendments of the Law on Sports of BH, from 2009, defined the forms of organisation and the establishment of the Paralympics Committee.

220. The Special Olympics in Bosnia and Herzegovina implements its activities all over the country. It was established on the 6th of June 1006, at the founding assembly held in Sarajevo, in the premises of the School of Sport, with participation of representatives from clubs of the Bosnian Special Olympics from the FBH and RS, as well as the representatives of the Association of Organisations for support to persons with intellectual impairments from both entities (SUMERO and MeNeRaLi RS). Competitions are held every year at the State level, in the following sports: indoor soccer, athletics, basketball, swimming, table tennis, bocci, and skiing.

221. The most represented sports are Paralympics volleyball and basketball, in which the BH representatives have achieved European and World results. At the last Paralympics, BH participated with the Paralympics volleyball representation and one track-and-field athlete, and has won the first place — gold medal.

222. The Law on Sports in Bosnia and Herzegovina[95] emphasised: "The public interest and goals of Bosnia and Herzegovina in sports are to develop awareness of citizens, especially youth and persons with disabilities, about the sport and its values, and to encourage and promote sport and its values as a part of the culture and the overall tangible and spiritual values of the society". The members of the Sports Council of Bosnia and Herzegovina are proposed by the Paralympics Committee of BH, too.

223. The Ministry of Families, Youth and Sports of the RS also has a grant foreseen for financing of sports organisations of persons with disabilities, within its programme of financing of sports organisations (financing of competitions, workshops, purchase of sports equipment, etc.). This fund amounts to 170,000 KM. The Ministry also provides financial support to the establishment of new sports organisations in different sports (Paralympics

[94] The Grant Decision for support of non-for-profit organisations and individuals in 2010, the Official Gazette of BH, No. 55/10.

[95] The Official Gazette of BH, No. 27/08 and 102/09.

volleyball and basketball, chess and archery for disabled persons, sports for children with mental impairments and other sports).[96]

224. The support to participation of children with disabilities is provided by the Public Fund for Children's Protection of the RS, which has implemented a programme for socialisation of children titled "Kumbor" for the last 10 years. The programme finances summer holidays at the seacoast for children from social categories. An average 20% of the participating children are children with special needs, who are included following the inclusive programme in groups with other children. During the programme, the children gain experiences in social skills, sports and culture.

225. Activities in the field of culture have been regulated by the entity laws. Similar activities of support are organised for children in the FBH and BDBH, too.

226. A library for blind persons was established in Banja Luka and it is included in the network of libraries of the RS and receives funds from the entity resources in the same way as other libraries. There has been a Library for Blind and Partially Sighted Persons in BH, based in Sarajevo since 1972. The responsible bodies of the Sarajevo Canton have decided to transfer the financing of seven State institutions, including this library, to the State level. Since then, the status of this institution has been doubtful; financing of it is unsolved, insufficient and occasional.

227. It needs to be mentioned that various cultural activities, and especially the *Sarajevo Film Festival*, promote films related to human rights, and specifically those related to persons with disabilities. The 2010–2015 RS Strategy of Development of Culture has been determined to include minorities and sensitive groups (persons with disabilities, gender equality, returnees and displaced persons, poor persons). Inclusion of persons with disabilities in all types of culture is present in the RS and the Ministry of Education and Culture of the RS is engaged in support of activities such as painting colonies, theatre performances, museum exhibitions, development of cultural heritage. The first international film festival related to disability was held in 2011 in Banja Luka, with the support of the UNICEF, the Finnish Government and the City of Banja Luka.

IV. Specific situation of boys and girls with developmental difficulties and women with disabilities

Article 6 – Women with disabilities

228. Gender equality is an integral part of the legislation of BH. Based on this standard, all women with disabilities enjoy equal rights on equal basis. In accordance with the Law on Gender Equality of BH,[97] male and female persons are equal in all spheres of the society, including, but not being limited to the spheres of education, economy, employment and labour, social and health protection, sports, culture, public life and media, regardless of their civil status or family situation. This law is based on forbidding discrimination based on gender, and, as such, protects from discrimination based on gender regardless of the situation in which the persons are or background to any of the vulnerable groups.

[96] Article 2, paragraph 1, point g) of the Rulebook on Conditions and Criteria for Financing of Leaders of Sport Development of the Republika Srpska.

[97] The Law on Gender Equality of the BH, clean text (The Official Gazette of Bosnia and Herzegovina, No. 32/10).

229. The Law on Gender Equality in Bosnia and Herzegovina was amended and modified in 2009 in a way to provide a wider definition and specification of the idea of discrimination on gender basis, which includes harassment, encouragement to discrimination and gender-based violence. The Law on Gender Equality in Bosnia and Herzegovina has previously recognised only direct and indirect gender-based discrimination, forbidding in principle the gender-based discrimination and discrimination based on sexual orientation. Legal provision is explicit, stating that the gender-based discrimination is not considered to be a standard, criteria or practice that can be justified by achievement of a legal goal, proportional to undertaken necessary and justified measures, including bringing and implementation of temporary specific measures with the aim to eliminate the existing inequalities, improvement of equality and protection of gender equality. In such way, the Law on Gender Equality in BH is significantly harmonised with Article 4 of the Convention on Elimination of All Forms of Discrimination of Women.

230. In its Report,[98] the FBH Gender Centre states that the Non-discriminatory Law regulates the issue of discrimination and foresees mechanisms for protection from discrimination in a systematic manner at the level of the whole Bosnia and Herzegovina. It was already mentioned in the context of discussing modifications and amendments of the Law on Gender Equality in BH. Within this law, discrimination understands any different treatment, including any exclusion, limitation or provision of advantages based on real or supposed fundaments against any person or a group of persons, based on their race, skin colour, language, religion, ethnic background, national or social background, relations with national minorities, political or other belief, financial standing, membership in a trade union or any other association, level of education, social standing and gender, sexual orientation or expression, or any other circumstance whose purpose or consequence is to prevent or imperil recognition, enjoyment or exercise of rights and freedoms on equal basis in any of the spheres of public life. This Law also recognises direct and indirect discrimination, as well as other forms of discrimination, including harassment, sexual harassment, mobbing, segregation, ordering others to carry out discrimination, assisting others in discriminating and encouraging of discrimination.

231. It is important to mention that the Non-discrimination Law is applied in procedures of all public bodies at the State, entity, cantonal and BDBH levels, municipal institutions and bodies, and legal entities with public authorities, as well as to actions of all legal and natural entities in certain fields (labour and employment, education, science, sport, social protection, jurisdiction and management, etc.). In relation to this, the Law states that the prohibiting of discrimination is applied to all public bodies, as well as all natural and legal entities in public and private sector, in all fields and specifically in the following: employment, membership in professional organisations, education, training, housing, health, social protection, goods and services intended for the public, public places and implementation of business activities and public services.

232. Although there is no gender inequality of women and girls with disabilities on the legislative level, the social life shows the inequality arising from the common, traditional opinions.

233. The BH Gender Action Plan[99] identifies the special needs of women and girls with disabilities. In the section related to the social inclusion, several activities have been identified: protection of women civilian victims of war in the sphere of social, health protection, accommodation and other rights; initiate preparation of the policy for persons

[98] Combined fourth and fifth report on the implementation of the Convention on Elimination of all Forms of Discrimination against women, for the FBH.

[99] Gender Action Plan BH, (2007) Ministry of Human Rights BH, and Agency for Gender Equality BH.

with disabilities; support the strategy to provide application of social, inclusive programmes within the aim of Health Prevention and Protection, and develop a gender-sensitive strategy for provision of health protection to persons with different levels and forms of disability.

Article 7 – Children with disabilities

234. There are no differences in exercising rights based on the gender of a child. Children with difficulties are considered bearers of the right on equal basis as other children. According to the data from the Statistical Bulletin[100] the social welfare centres registered 13,948 minors with physical and psychological difficulties in 2010 (7,631 male and 6,317 female). The statistics further grouped the data based on type of impairment: sight impairment 839 (436 male and 403 female), hearing impairment 797 (401 male and 403 female), voice and speech impairments 925 (463 male and 462 female), children with physical disability 2,244 (1,137 male and 1,107 female), mentally impaired 4,799 (2,716 male and 2,083 female), combined impairments 3,421 (1,859 male, and 1,562 female), children with personality disorder 923 (619 male and 30 female). The data shows that there are a higher number of boys with disability.

235. The need for special protection for children with difficulties in the FBH was recognised by the Law on Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children FBH.[101] According to this Law, the beneficiaries of social protection are persons who are in social need, including children as follows: children without parental care, neglected children, children whose development was impaired by family circumstances, persons with disabilities and persons impaired in physical and psychical development, financially unsecured and professionally incapacitated persons, elderly persons without family care, persons with socially negative behaviour, persons and families in social need who, due to special circumstances, require an appropriate form of social protection. The persons with disabilities and persons impaired in physical and psychical development, in the sense of the given law, are children and adults who are: blind and partially sighted, deaf and hearing impaired, persons with impairment in voice and speech, persons with physical impairments and permanent impairments in physical development, with impairment in psychical development (low, moderate and high level of impairment), with combined impairments (multiple difficulties). The social protection rights, in the sense of the law, are the following: financial and other tangible assistance, training for life and work, accommodation in another family, accommodation in a social protection facility, home care and assistance at home, services of social and other professional work. Cantonal regulations define the amount of financial and other benefits, as well as the procedure to gain these rights and use them. Cantonal regulations can also define other rights in the sphere of social protection in accordance with the programmes for development of social protection and their possibilities. Persons and families in state of social need, who fulfil the conditions for eligibility and use of the rights within social protection, are ensured at the cost of the social protection funds; receive certain forms of health protection and satisfaction of their housing and other needs, in accordance with the law.

236. Children with psychophysical impairment and adults with reduced psychophysical capacities, regardless of the cause for disability, or occupational capacity, have the right to training for life and work, if they are unable to exercise the said right under any other basis,

[100] Statistical Bulletin of Social Protection for 2005–2010, Agency for Statistics BH, December 2011, page 20.

[101] The Official Gazette of the Federation of BH, No. 36/99, 54/04, 39/06 and 14/09.

and if they are of an age when they can be capacitated for work according to their psychophysical capacities and age. Children with difficulties have the right to child allowance and it is for a longer period than foreseen for children with no difficulties. This right can last until they are 27, at most.

237. Children with difficulties have the following rights in accordance with the FBH law: the right to children's allowance; the right to personal disability allowance; the right to care outside of own family (which is implemented as permanent, weekly or temporary accommodation, full day, half day or temporary stay and organised living); the right to protection outside of own family in a form of assistance for inclusion in programmes of regular preschool facilities or schools, and the right to the status of a parent carer. The social welfare centres responsible for the residence of the beneficiary are authorised for the procedure for the rights within the system of social protection in the first degree.

238. There is positive discrimination in the sphere of social protection where children with disabilities have more liberal conditions to exercise rights, and a larger volume of rights in comparison to children without disabilities. The status of children in the RS is regulated by the Law on Children's Protection of RS, defining a number of rights for children with disabilities. The rights are implemented through social welfare centres, and the Public Fund of Children's Protection of RS is responsible for the implementation of those. The parents of children with disabilities have the right to children's allowance, regardless of the order of birth. If parents have a disability and require assistance and care from other persons, they can exercise the right to the children's allowance regardless of the order of birth and the child's health condition. In both cases the financial standing of parents is not considered. The same law provides parents to exercise their right to half time employment, in cases where children require higher level of care. The remaining part of their salary to full time salary is paid by the Fund of Children's protection of RS. Particularly important programmes for children, implemented by the Fund of Children's Protection of RS are socialisation of children during summer Kumbor camps in Monte Negro, and early detection of children with special needs. A total of 13,300 children were sent for the summer programme over the period of 10 years and 20% of them were children with special needs,[102] i.e. 2,500 of them. The programme of early detection of children with special needs was implemented over a period of several years with the aim to include the largest possible number of children who are not registered by the social welfare centres, although they are in the state of special need. The project registered 1,367 children, mostly in the age of 10 to 14. Out of the total number of children included in the project, 397 of them were first time registered.[103]

V. Special obligations

Article 31 – Statistics and data collection

239. There is no systematic approach to maintenance of registry on persons with disabilities.[104] Registries are maintained according to the causes of disability, divided into three systems; two in entities and one in the Brcko District. The criteria for registration is

[102] Brochure: the first 10 years of socialisation "On a Palm", Public Fund of Children's Protection of RS, 2012.

[103] Data from the Public Fund of Children's Protection of RS.

[104] Special Report on the Rights of Persons with Disabilities, the Institution of the Human Rights Ombudsman BH, November 2010, page 40.

not harmonised and the data are not comparable. As stated by the SSI,[105] the challenge is to define data on persons with disabilities realistically through the databases of institutions and organisations dealing with issues of persons with disabilities, and to compare them between the entities. Firstly, due to unconsolidated databases, it is difficult to estimate the total number of persons with disabilities in BH.

240. Nonetheless, the data on persons with disabilities can be reached based on the report of the Agency for Statistics in the field of social protection:

241. According to the data from the Statistical Bulletin,[106] the centres for social welfare registered 13,948 minors with impairments in psychical and physical development (7,631 male and 6,317 female). The statistics further grouped the data based on type of impairment. Persons with psychical impairment are separately registered and it shows 447 persons, out of which 242 male and 205 female. According to the same source, there are 40,058 adults[107] (20604 male and 19,454 female), out of which 6,497 with psychical impairments (3,291 male and 3,206 female). Thus, the total number of persons with disabilities within the system of social protection is 60,950 persons. According to the same source, the right to assistance and help from other persons is used by 29,380 adults and 3,108 children.

242. According to the available information, the Agency for Statistics BH prepared a set of five questions based on the EUROSTAT instructions for registration of persons with disabilities, which will be applied during the 2013 census, which should provide the first relevant data.

243. In accordance with the Law on Social Protection of RS, a Rulebook on Maintenance of a Singular Registry and Documentation on Beneficiaries of Rights, Forms, Measures and Services of Social Protection was passed. It is within the responsibility of the Ministry of Social Protection and within the Information System of the RS. The only database on children with difficulties in the area of the RS is maintained by the Public Fund for Children's Protection in the RS. All social welfare centres and services of social and children's protection submit their data to the said.

244. The Federal Ministry of Labour and Social Policy maintains the basic data on provision of financial allowances for persons with disabilities in the FBH. The Federal Ministry of Labour and Social Policy emphasises the fact that the number of persons with disabilities is significantly higher in the FBH in comparison with the RS, due to the effects of application of the modifications of the Law on Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children. This is related to the part on rights of persons with disabilities. The application of this law in the FBH increased the number of persons in comparison with earlier registry, which is a consequence of milder legal provisions providing inclusion of elderly and chronically ill persons. Preparation of a new legal solution in the FBH is ongoing and it should put better mechanisms of control in place and precise new conditions for the use of the rights.

Article 32 – International cooperation

245. Within its mandate, the CoMBH is responsible for international cooperation and coordination. The MHRR and MCABH are State ministries, which, related to their

[105] BH Strategy of Social Inclusion.

[106] Statistical Bulletin of Social Protection for 2005–2010, Agency for Statistics BH, December 2011, page 20.

[107] Ibid, page 28.

mandates, also participate in the international cooperation. The organisations for persons with disabilities also cooperate with international associations and organisations through their own contacts. The responsible ministries from the FBH have experiences in cooperation with other organisations and institutions, such is the cooperation with the Attaché for Social Issues of the Embassy of the Republic of Austria, and organisation of a number of international conferences related to early intervention, retraining and employment of persons with disabilities, and inclusion of persons with intellectual impairments into the local community. The example from the RS should also be mentioned, and it is related to signing of a Memorandum on Cooperation with the Mental Health Initiative. This project will contribute to the respect of human rights with a specific emphasis on the right to life in the local community, employment of new personnel and transformation of the non-current, ghettoising method of looking after persons with intellectual impairments.

Article 33 – National implementation and monitoring

246. National implementation and monitoring of the Convention on Rights of Persons with Disabilities at the level of Bosnia and Herzegovina is provided through nomination of the Council of Persons with Disabilities BH.[108] The responsibility and scope of work of the CPDBH includes:

(a) Promotion of human rights of persons with disabilities, initiation and active participation in implementation and passing, and later monitoring of realisation of strategic action plans, laws and bylaws, related to implementation of the policies in the field of disability;

(b) Implementation of cooperation with international governmental and nongovernmental organisations, participation in preparation of action plans and other documents with the aim to improve the position of persons with disabilities, and initiation of support projects for all other associations of persons with disabilities, and implementation of all other activities promoting and improving the position of persons with disabilities in accordance with the Convention and the Optional Protocol;

(c) Coordination of activities between the responsible bodies and institutions in Bosnia and Herzegovina;

(d) Preparation of reports, analysis, recommendations and opinions related to exact measures and possible solutions in protection of rights and interests of persons with disabilities, passed or implemented by the responsible bodies, institutions and services of Bosnia and Herzegovina;

(e) Participation in the preparation of the reports in accordance with Article 33 of the Convention;

(f) Giving recommendations, suggestions and opinions on laws and bylaws and projects related to the rights of persons with disabilities, passed by the PABH;

(g) Establishment of regular cooperation with other interdepartmental bodies within the CoMBH, implementing the activities related to the protection of rights of persons with disabilities.

[108] Decision on Establishment of a Council of Persons with Disabilities BH, the Council of Ministers on the 19th of October 2010.

247. The same decision defines that the CPDBH submits its report to the CoMBH at least once a year. Considering the fact that the CoMBH has operated in a technical mandate until now, no report has been submitted so far.

248. Monitoring at the level of the entities will be implemented through monitoring of implementation of strategies for persons with disabilities, planned on annual level. It is planned that it will be implemented through the following: monitoring of implementation of certain activities arising from the Strategy goals; monitoring of implementation of the budgets of responsible institutions and bodies, according to the activities arising from the Strategy; monitoring of the change of situation in the spheres of social actions focused on the effects resulting from the Strategy; monitoring of the level of satisfaction of the beneficiary population and the level of sensitiveness of parts of the system and general publicity through the effects of the Strategy's implementation.